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SENATE EXECUTIVE DOCUMENTS

SECOND SESSION OF THE FORTY-FIRST CONGRESS

UNITED STATES OF AMERICA

1869-'70.

IN THREE VOLUMES.

Volume 1. No. 1 to 100.
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WASHINGTON:

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LETTER
OF THE
SECRETARY OF THE INTERIOR
COMMUNICATING,

In compliance with a resolution of the Senate of December 13, 1869, papers in relation to the sale of certain lands in Kansas, known as the lands of the "Black Bob Band" of Shawnees.

JANUARY 17, 1870.—Referred to the Committee on Indian Affairs.

FEBRUARY 11, 1870.—Ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 15, 1870.

SIR: In accordance with a resolution of the Senate, dated the 13th ultimo, directing the transmittal of papers in the matter of the sale of certain Indian lands in Kansas, known as the lands of the "Black Bob band" of Shawnees, I have the honor to transmit herewith copies of the records and correspondence of this office pertinent thereto. The papers are very voluminous, and more time has, therefore, been occupied in preparing these copies than I could have wished.

For the purpose of assisting in the ready understanding of the matter, I will state that the controversy is divided practically into two questions: First. Have the white settlers upon the Indian lands who have gone upon them without consent or contract with the Indians, or with the proper officers of the United States government, any legal claims to such lands which could be recognized by this department under existing legislation; and, second, was the sale of lands made by my predecessor one which was and is binding upon the Indians, and upon the department.

As to the first of these questions there is very little room for controversy. White persons are expressly forbidden by law to settle within, or to go upon, Indian reservations. They had no authority whatever in the present case, and their entry upon the lands in question was undoubtedly unlawful. They, it is claimed, were encouraged to remain and make improvements on the authority of a letter from a former Commissioner of Indian Affairs, purporting to state that provision had been made by a treaty stipulation for the protection of their rights, upon payment of a fair price for the lands which they respectively occupied. The Commissioner himself subsequently admitted his total misapprehension of the facts. No such stipulation existed. The mistake so made was very soon corrected. If it had not been, the duty of this department seems to be plain. A manifest error of a subordinate could not convert a trespass into a legal entry, or confer upon the parties a claim to relief

which the department could recognize without a plain breach of the law and a disregard of the rights of the Indians.

The second question was one of more difficulty, and, in addition to the investigations which appear in the papers transmitted, I had a protracted oral hearing, in which parties appeared by counsel, and witnesses were examined and cross-examined in my presence. The result of such hearing was to establish, satisfactorily, the fact that no such manifest fraud was proven as would justify an administrative officer of the government in setting aside contracts under which rights had vested, and which had been definitely passed upon and approved by a preceding administration. For the purpose of getting still further light, however, the new superintendent of Indian affairs, under whose charge the Black Bob band are, was directed to make a further examination on the spot, and to report his own conclusions as to the general fairness and honesty of the allotment of land to the Indians, and the sales made by them. The superintendent, by this independent examination, reached substantially the same conclusions which I have above indicated, and upon his report the Commissioner of the General Land Office was directed to proceed with the issuing of patents for the land. It is, of course, impossible to present to the Senate any complete statement of the testimony or arguments heard in these oral investigations in the office of the Secretary, or that of the Indian superintendent in Kansas, although their effect upon the minds of the officers holding them was probably more conclusive than any which had been derived from the correspondence and affidavits theretofore filed.

With these explanations, the papers are respectfully submitted.

Very respectfully, your obedient servant,

J. D. COX, *Secretary.*

Hon. SCHUYLER COLFAX,

President of the Senate.

WASHINGTON, D. C., *February 27, 1869.*

SIR: I have the honor to again call your attention to the applications for patents to selections of land made by members of the Black Bob band of Shawnee Indians, and which were placed on file in the Indian Office on the 12th day of December, 1868, and have not up to this time received the official action of the honorable Commissioner of Indian Affairs, and would request that you submit this communication, with an indorsement of your views on the subject, and urge immediate consideration. I have heretofore stated that said selections were made in strict conformity with the sixth article of the Shawnee treaty of May 10, 1864, which prescribes the manner in which this class of Indians who, in the first instance, chose to occupy their lands in common might hereafter make separate selections; and by reference to an act of Congress, approved March 3, 1859, (see United States Statutes, vol. 11, page 430,) it will be seen that where such selections have been made, in accordance with said treaty stipulations, the law requires the honorable Secretary of the Interior to cause patents to be issued to individuals entitled thereto; and as the department has already established the precedent by issuing sixty-nine patents to members of this band, the present applicants cannot understand why their claims should be ignored, or so long delayed. It will also be seen that the sixth article of the Shawnee treaty of March 2, 1867, now pending the action of the

United States Senate will, if ratified, guarantee to this class of persons the same right to make selections, and in the same manner as heretofore provided for, under the treaty of 1854, and the Indians who have made the selections herein referred to claim vested rights in the lands so selected by virtue of the compliance on their part with the law. It is also well known to the department, from official letters and authorized investigations, that the members of the Black Bob band were driven from their homes and reservation in the early part of the late rebellion, by marauding bands of Quantrell's and others on the one side, and a hardly less scrupulous band upon the other; and by depredations during the war their buildings and their improvements were totally destroyed, and they were also robbed of all their stock, and some fell victims to the enemy's sword for their fidelity to the government; and those who survived the ravages of the war find themselves entirely destitute of all means to support their families; hence they have from necessity been driven to rely upon the charities of their more fortunate brothers of the severalty Shawnees or perish. And in view of their forlorn situation, their rights under the law, and their desire to again place themselves in a condition whereby they can earn a support for themselves and families and once more become self-supporting, they call upon me, as their agent, in the name of justice, to once more call the attention of the department to their well-established rights and claims.

I, therefore, would most respectfully but earnestly urge the prompt action of the department in the issuing of the patents herein solicited, in order that they may be enabled to dispose of a portion of their lands, under the rules and regulations of the department, and furnish themselves with the necessaries of life, and to provide agricultural implements in time for spring farming, out of the proceeds of the sale thereof.

Very respectfully, your obedient servant,

H. L. TAYLOR,
United States Agent.

Col. THOS. MURPHY,
Superintendent Indian Affairs, Atchison, Kansas.

[Indorsements.]

I have repeatedly urged upon the department that this case be settled in accordance with the law and the facts. The Indians, with the settlers, demand immediate action, to the end that all doubts as to the validity of titles be removed, and urge that the case be taken up and acted on at once.

SIDNEY CLARKE, *M. C.*

Respectfully referred to the honorable Commissioner of Indian Affairs, and beg leave to state that in January, 1868, under instructions from the department, I made a searching investigation into the whole subject of sales of Black Bob Shawnee lands. At the council held, every Black Bob Indian on the reservation except two, who were sick, was present. I had three interpreters present, and everything was done that could be to ascertain the facts and the wishes of these Indians relative to these sales. My report is on file in your office, and to it I respectfully invite your attention.

I am satisfied these selections were made in good faith; and that justice may be done the Indians; and believing thus, I recommend that the patents for the lands selected be issued without delay.

THOS. MURPHY,
Superintendent Indian Affairs.

[Private.]

OLATHE, KANSAS, *November 10, 1869.*

SIR: Having recently had my attention called to a letter published in the New York Herald, in which myself and others are charged with corruption in connection with making selections and sales of land by the members of the Black Bob band of Shawnee Indians, I have taken the liberty to address you with reference to one paragraph of said letter, as an act of justice to Superintendent Hoag and Agent Roberts. The writer says:

In due time Friend Hoag went to the Shawnee agency and commenced his investigation. Abbott, the prime mover, was allowed to be present and assist. McBride was clerk of the investigation, and recorded the testimony of the Indians as interpreted by the interpreter, a man said to be in the interest of Abbott and Taylor.

Now the facts are that neither McBride nor myself were present, nor were represented by any other person; nor did I know where the investigation took place until it was over, although I had supposed that it was customary at least to allow the persons to be present at the investigation against whom charges had been made, in order that they might, if possible, defend themselves, and it would seem that justice would so require. And while I am of the opinion that neither Superintendent Hoag nor Agent Roberts were affected by the fear or favor of any man or set of men, in their investigation or report, yet I cannot but think if the parties against whom charges had been preferred had been permitted to have been present, facts bearing upon the case would have been drawn out, which would have materially changed the opinion of the superintendent, and modified somewhat his recommendation with reference to the action to be had by the Secretary, upon the conveyances executed by the members of the Black Bob band.

So far as the balance of the letter is concerned, I do not deem it of sufficient importance to require any notice from me, believing that there is already on file in the Interior Office sufficient evidence to more than cancel the intended effect.

The writer does not think fit to sign his name to the document, but I think I cannot be mistaken as to the author.

Last winter a certain clerk in the Indian Office was removed; he then importuned my friends to get him reappointed, but failed. He then offered strong inducements to be taken into partnership with myself and others, in Indian conveyance business, and when he failed he applied threats. And now he proposes to take his revenge for my refusal to take him as a partner in what he then believed to be not only a lucrative but an *honorable* business, and it is currently reported here by settlers on the lands in controversy that said gentleman offers, for a fee of \$1,000, to give such evidence before the secretary as shall insure a decision that shall be satisfactory to them. And for that purpose money has been raised by the employes of Mr. Slaughter. Whether he has done so or not I do not know, but should not be surprised if he had.

I have marked this letter private, but you can use it in any way you may deem best. I inclose a certificate of Mr. Bluejacket, the United States interpreter, a man whose reputation for honesty and truth is not ranked by that of any man in this or any other State.

Very respectfully, your obedient servant,

JAS. B. ABBOTT.

Hon. E. S. PARKER,
Washington, D. C.

I, Charles Bluejacket, United States interpreter for the Shawnee tribe of Indians within the State of Kansas, do hereby certify that I was present with Superintendent Enoch Hoag and Agent Roberts, and acted as interpreter for them in the investigation with reference to selections and sales of land made by members of the Black Bob settlement, and that neither J. C. Irwin, General Blunt, J. B. Abbott, H. L. Taylor, nor Harry McBride, or any person representing them, or either of them, were present during said investigation. And further, neither of said persons ever approached me or conversed with me prior to said investigation upon the subject.

Witness my hand this 9th day of November, 1869, at Olathe, Kansas.

CHARLES BLUEJACKET,
United States Interpreter.

SHAWNEE COUNCIL ROOMS,
Olathe, Kansas, January 6, 1870.

SIR: For eight long years the Shawnees have been earnestly, honestly, and legitimately trying to so arrange their business as to enable them to purchase a home in the Indian country and remove thereto.

The Congress of the United States has, by its public acts, proclaimed its policy in favor of said measure, not only for our tribe but for all the civilized tribes of this State. To that end six treaties, under the direction of the Commissioner of Indian Affairs, have been made with our tribe, which failed to receive the confirmation of the Senate, for the reason (in part) that the would-be buyers of land had votes, and were not satisfied with the conditions of the sales, while the settlers had no votes, and consequently no influence with the Senate.

At the last session of Congress a resolution was passed by which the sale of the absentee lands was provided for, and it was decided that the long-wished-for object could be accomplished without the aid of new treaty; consequently an agreement was entered into between the Cherokees and Shawnees by which the Shawnees were to be adopted into, and become a part of, the Cherokee nation.

To enable the Shawnees to partake of the benefits of said agreement, the Secretary of the Interior modified the rules governing conveyances to enable them to sell all their lands, and we had good reason to believe that our people would be settled in their new homes early in the spring of 1870.

But, unfortunately for our people, it would seem that we have no rights that white men are bound to respect. Lawless men can take possession of and trespass upon our lands, and gain rights by so doing. The intercourse acts of a hundred years have all at once become null and void; our people who have sacredly complied with every treaty stipulation, and who have sacrificed their property and shed their blood in the defense of the government in its greatest peril, have become the criminals, and the lawless trespassers upon their lands are the only ones who can enlist the sympathies of the great and good, the legislators of the country. At the beck and nod of these trespassers, the execution of the laws is suspended so far as they relate to us, and although the country rings with anti-extirpation speeches from professed philanthropists, and from proclamation of men in high places, yet it seems to us that the government is acting upon the policy of extermination by holding our people in suspense, and if we are correct in our surmises the result shows an admirable success.

This letter was suggested by the fact that the sales of the land owned by the members of what is known as the Black Bob band have been stopped, and thus very many of them will be compelled to remain another winter, living in mere apologies for shanties, without the ability to procure hardly a pittance of the necessities of life, where they must suffer with cold and hunger, engendering sickness and death, instead of being permitted to dispose of their lands, thus enabling them to remove to a warmer climate, erect comfortable houses, and in the spring to open up farms and make for themselves permanent homes.

But the experience of our people for years has been but the raising of hopes to be dashed to the ground, and they are disheartened and discouraged. Notwithstanding, we feel it a duty we owe our people to make to you another appeal for such early and efficient action as may be had as will enable all the members of our tribe to dispose of their property and remove to the Cherokee country, where they hope to once more enjoy peace, prosperity, and plenty.

Very respectfully, your obedient servants,

GRAHAM ROGERS.
CHARLES TUCKER.

Hon. E. S. PARKER,
Commissioner of Indian Affairs, Washington, D. C.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Atchison, Kansas, January 16, 1866.

SIR: I have the honor herewith to transmit a letter, with inclosure, from Agent Abbott, of the 4th instant, stating for the information of the department that he had warned off trespassers and intruders from the tract of land set apart under the Shawnee treaty of 1854, for the Black Bob settlement.

Very respectfully, your obedient servant,

THOMAS MURPHY,
Superintendent of Indian Affairs.

Hon. D. N. COOLEY,
Commissioner of Indian Affairs, Washington, D. C.

SHAWNEE AGENCY,
December 30, 1865.

SIR: You are hereby notified that you must immediately remove from the tract of land set apart under the Shawnee treaty of A. D. 1854, for the Black Bob settlement, otherwise you will be dealt with by the Indian department as trespasser.

Per order of

THOS. MURPHY,
Superintendent Indian Affairs.

JAS. B. ABBOTT,
United States Agent.

SHAWNEE AGENCY,
January 4, A. D. 1866.

I. N. Philips, being first duly sworn, before me, depose and saith that he did on second and third days of January, A. D. 1866, serve a true copy of the above notice, by leaving the same at the house of, or

placing in the hands of, each of the following-named persons, to wit: Birney Dunn, John W. Dunn, Samuel Weir, W. W. Nichols, A. Farmer, Henry Filtenberger, Augustus Went, William McNeal, W. Rogers, Jas. Bright, Nathaniel Black, George Yesk, Wm. Saunders, A. J. Wycoff, Geo. W. Hampton, H. M. Stingley, Jas. H. Monroe, J. B. Kempf, W. Morgan, W. Morgan, Chas. Wilkin.

I. N. PHILIPS.

Sworn to before me and subscribed in my presence at the Shawnee agency, Kansas, this 4th of January, A. D. 1866.

JAS. B. ABBOTT,
United States Agent.

SHAWNEE AGENCY,
DE SOTO, *January 4, 1866.*

SIR: I herewith inclose a copy of the returns of service of notices upon the settlers upon the Black Bob lands.

There are quite a number of non-residents who have made claims upon said tract, who have no house or cabin thereon.

Before receiving your instructions, I had caused printed bills to be posted in the most public places upon the tract, a copy of which I herewith inclose.

It may be proper for me to state that, however culpable the settlers may be as trespassers upon this land, yet I am forced to believe that they have been a real benefit to the owners of the land, by preventing outsiders from stealing the timber; they believing that they would eventually get the land, have endeavored to prevent it being injured by outsiders.

I have succeeded in getting a commission and deputy marshal appointed, who reside in this county, and hope soon to be able to check to some extent the trespasses upon Indian lands, although it seems to be almost universally sanctioned by the citizens.

Very respectfully, your obedient servant,

JAS. B. ABBOTT,
United States Agent.

Colonel THOS. MURPHY,
Superintendent Indian Affairs, Atchison, Kansas.

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS,
Washington, D. C., January 20, 1866.

SIR: In relation to the petition of settlers upon the absentee Shawnee lands, accompanying a letter from Mr. H. Nichols left by you at this office on the 19th instant, you are informed that a similar petition has been received at this office, and the petitioners by letter of this date have been informed that, by a treaty recently negotiated with the Black Bob band of the Shawnee tribe, what is deemed a just provision has been made for the protection of their rights, upon payment of a fair price for the land occupied by them respectively; and that a similar provision will be made in negotiations which may be hereafter made with the remaining portion of the tribe.

Very respectfully, your obedient servant,

D. N. COOLEY,
Commissioner.

Hon. SIDNEY CLARKE,
House Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS,
January 20, 1866.

SIR: I return herewith a petition signed by O. I. Jennings *et al.*, settlers on the absentee Shawnee lands, referred by you to this office for report on the 17th instant. A similar petition has been received at this office, and I have this day informed the petitioners that, by a treaty recently negotiated with what is known as Black Bob's band of the Shawnee tribe, what is deemed a just provision has been made for the protection of their interests, upon payment by them of a fair price for the lands respectively occupied by them; and that it is proposed to make a similar provision in negotiations which may hereafter be made with the remaining portion of the tribe.

Very respectfully, your obedient servant,

D. N. COOLEY.

Hon. JAMES HARLAN,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS,
January 20, 1866.

SIR: In relation to the petition of settlers upon the absentee Shawnee lands, accompanying a letter from William H. Nichols left by you at this office on the 19th instant, you are informed that a similar petition has been received at this office, and that the petitioners by letter of this date have been informed that, by a treaty recently negotiated with Black Bob's band of the Shawnee tribe, what is deemed a just provision has been made for the protection of their rights, upon payment of a fair price for the lands occupied by them respectively; and that a similar provision will be made in negotiations which may hereafter be made with the remaining portion of the tribe.

Very respectfully, your obedient servant,

D. N. COOLEY,
Commissioner.

Hon. SIDNEY CLARKE,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS,
January 23, 1866.

SIR: Your communication of the 16th instant, inclosing a letter from late Agent Abbott, showing his proceedings in relation to trespasses on the lands held in common by Black Bob's band of Shawnees, is received. Late Agent Abbott's letter is entirely silent as to the effect produced by the service of notices as stated; and, for aught that appears, it may be that these trespassers still remain in occupation of the lands upon which they have intruded.

It is the determination of this department to spare no effort to protect these and all other Indians similarly situated, in the quiet and peaceable occupation of the lands given them by solemn treaty stipulations, and to that end you will direct late Agent Abbott to report at once

whether or not these trespassers are still continuing their depredations, and if so, that he lose no time and spare no diligence in procuring such evidence of their guilt as will justify the department in instituting proper measures to enforce the laws and inflict upon the guilty parties the punishment their conduct merits.

Very respectfully,

D. N. COOLEY.

THOMAS MURPHY, Esq.,

Superintendent Indian Affairs, Atchison, Kansas.

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS,
January 24, 1866.

SIR: Your communication of the 16th instant, inclosing late Agent Abbott's letter of the 11th instant, upon the subject of a treaty alleged to have been recently negotiated with Black Bob's band of Shawnee Indians, has been received.

You will inform late Agent Abbott that the negotiations to which he alludes, although made with parties representing Black Bob's band only, has been conducted with a view to the interests of the whole tribe, and so shaped, that eventually all may alike participate in its beneficial provisions, to which end it is contemplated, before final action, that the whole subject shall be brought before the Shawnee council for its consideration, and such further action, not inconsistent with that already taken, as may then be deemed advisable.

Very respectfully, your obedient servant,

D. N. COOLEY, *Commissioner.*

THOMAS MURPHY,

Superintendent Indian Affairs, Atchison, Kansas.

BALDWIN CITY, DOUGLAS COUNTY,
January 31, 1867.

DEAR SIR: The undersigned, unconditional radical abolitionist, congratulates you in your election to the highest office within the gift of the people of Kansas, and I hope and pray you may never do anything that will give your constituents reasons to regret the choice they made when they, through their chosen representatives, selected you as their choice to fill the seat of General Lane.

Your election gives general satisfaction to men of all parties and creeds. Your election gave other candidates sufficient food for sober reflection.

I have been a resident of Douglas County but a few months. For a number of years I resided in Coffey County. Last August one of my brothers and self moved onto the "absentee" land, two and a half miles east of this town, and north of Black Jack; both of us took up claims with the intention of becoming permanent settlers, but we soon found out that no one on the lands could give us the true status of those lands; whether the lands would come in under the homestead pre-emption, or be as appraised lands. Some think the L. L. and Galveston Railroad Company will get hold of them. Without knowing something

more definite in regard to the way and manner said lands will come into market, I do not feel as though I would be justified in making any great improvements on my claim. I prefer paying taxes on my land to living on in uncertainty, as at present. Many of the settlers are anxious to sell out—are afraid their claims will be taken from them. Whether the treaties that *rebel* Commissioner Bogy says he is going to make in February with the Indians will have anything to do with the absentee or Black Bob lands, I am unable to say.

I wrote to Senator Pomeroy last summer in regard to the absentee tract, and he kindly gave me all the information in his power.

Perhaps something has been done this winter, or something is in contemplation, in regard to bringing the lands in market.

Will Senator Ross please answer and give me all the information in his power in regard to the absentee and Black Bob tract of lands.

I am not a man who will bend the pregnant hinges of the knee, that thrift may follow fawning, but I believe in according to every man his due meed of praise.

Very truly yours,

R. W. COLEMAN.

Hon. EDMUND G. ROSS.

SIR: You will kindly excuse the liberty I take in trespassing upon your valuable time, but the matter of consideration is of such importance to me, and a large number of families, that you will not object to listen to our argument. I refer to the treaty now pending between the Shawnee Indians in this State and the government of the United States. That treaty contemplates the sale of the Black Bob lands and the Shawnee absentee reserve tract, under the same conditions, at not less than two dollars and a half an acre, after having been appraised by disinterested persons, and the sale shall take place under sealed bids. Paschal Fish, the head of the Indian delegation, who leaves to-day for Washington, says that the aforesaid treaty had been dictated by your honor; which, if so, would show to us, the settlers on the absentee tract, that you have no knowledge of the actual state of affairs of the absentee reserve. This reserve, as far back as 1856-'57, has been settled by actual white settlers. At that time a large number of us were settling on this reserve in good faith, believing it to be government land, and filed our pre-emption at the then existing land office at Lecompton, the government officials delivering to us, against the usual fee, our certificates; and we supposed it to be all right. It was not until two years after that time, and after having made considerable improvements on our lands, that we found out that we were on the reserve. We offered our land warrants in payment of the land, but were told that it was absentee land. We then petitioned government to recognize our rights as settlers, and those certificates, with the petition, are now either in your department or the Department of the Interior, on file. The Indians and their agents also encouraged the settlers, and promised that they would any time be willing that the settlers should get the land at government rates, \$1 25. In 1860 government had the lands appraised, and they ranged from \$1 to \$1 50, I think; but sale was postponed on account of the then existing famine, of which the settlers suffered immensely. In the meantime they were taxed for every cent of improvement on the lands for State and national purposes; and lastly, they came forward freely and put their blood in for the safety of our dear country. We think and

hope that you will agree to such just proceedings in this matter as will best subserve the rights and interests of settlers, without damaging the Indians. There ought to first be made a difference in the sale of these two tracts, the first on the Black Bob tract being settled by Indians. The improvements are sold with the land; they might be sold at sealed bids without damaging any one; they also are by far the superior lands and nearly all well timbered, while the absentee tract is settled wholly by whites, the improvements belonging to them, and hardly any timber, but all prairie. Lands around us which belonged to the government were all sold at \$1 25 to the settlers, and much better situated land and better timbered, and these reserve lands surely ought to be sold at the same rate. If the proposed manner of sale should be adopted every settler who has good improvements on his land would be overbid by some land-shark, and those sections which are poor would find no sale, and in this manner the real interest of the Shawnees would not be secured, while the poor settler, who has endured eight to ten years' hardship of a frontier life, would be deprived of his just dues, the treaty not even providing that his improvements should be appraised and paid for by him who overbids the settler. I refer more particularly to our esteemed Senator, Hon. S. C. Pomeroy, who understands this case fully, and will co-operate with you. The settlers feel confident that it only needs an explanation of these facts to you, in order to obtain full justice.

And in this hope I remain, dear sir, your most obedient servant,

A. THOMAS,

Commissioner of Immigration for the State of Kansas.

Hon. D. N. COOLEY,

Commissioner of Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,

OFFICE INDIAN AFFAIRS,

February 1, 1866.

SIR: Your communication, without date, postmarked 23d ultimo, submitting a statement in regard to the injustice which it is alleged will be imposed upon settlers upon absentee Shawnee lands, and upon the tract owned by Black Bob's band of Shawnees, in case a treaty recently negotiated with a portion of said tribe shall be ratified and executed, has been received.

This communication will be placed on file, and when, as is contemplated, a treaty is attempted to be negotiated with the remainder of said tribe, it will be duly considered and disposed of as its merits and justice may seem to require.

Very respectfully, &c.,

D. N. COOLEY,

Commissioner.

A. THOMAS, Esq.,

Commissioner of Immigration for State of Kansas, Eudora, Kansas.

Know all men by these presents, that we, the undersigned Shawnee Indians, and members of the Black Bob settlement, do hereby make, constitute, and appoint, and by these presents have constituted and appointed Charles Bluejacket, our lawful attorney, for us and in our

stead, to dispose of all our right, title, and interest in and to the lands set apart under the treaty of 1854, for the Black Bob settlement, and hereby revoke all others, giving to him, the said Charles Bluejacket, full power of substitution and reservation, and to all intent and purposes do we hereby authorize our said attorney to act for us in the aforesaid premises, as fully and perfectly as we could if personally present and did the same ourselves. In testimony whereof we have hereto signed our names and affixed our private seals this — day of —, A. D. 1866.

JAMES ^{his} + PERRY.

BILLY ^{mark.} ^{his} + WILLIAMS.

JAMES ^{mark.} ^{his} + BLACKFEATHER.

BIG ^{his} + FOX.

JOHN ^{mark.} ^{his} + PERRY.

WILLIAM ^{mark.} ^{his} + HUNTER.

JOHNSON ^{mark.} ^{his} + BLACKFEATHER.

HIRAM ^{his} + FOX.

DAVID ^{mark.} ^{his} + BLACKFEATHER.

JOHN ^{mark.} ^{his} + FOX.

JOSEPH ^{mark.} ^{his} + WHEELER.

PHEBE ^{mark.} ^{her} + DOUGLASS.

LU COPPER.

SARAH ^{her} + FOX.

MARY ^{mark.} ^{her} + FOX.

GALU POYA ^{her} + FOX.

^{mark.}

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
February 15, 1867.

SIR: I have the honor to acknowledge the receipt, by reference from you, of a letter from Mr. A. W. Coleman, asking for information in regard to the prospects of the settlers upon the absentee Shawnee lands being able to gain a title to lands occupied by them.

I have also received, by reference from the General Land Office, a

letter of similar import from James McConagly, of Lawrence, Kansas, to yourself, referred by you to that office.

In reply I have to state that under existing treaty stipulations with the Shawnees, the settlers upon the lands in question can acquire no title, and must therefore be regarded as trespassers.

Should the negotiations now in progress with the Shawnees be successful, it is probable that some provision may be made for the settlers in question, whereby they can purchase the lands occupied by them.

Very respectfully, &c.,

L. V. BOGY,
Commissioner.

Hon. E. G. ROSS,
United States Senate.

SHAWNEE AGENCY,
De Soto, February 21, 1866.

SIR: Your letter of the 31st ultimo, inclosing copy of a letter from the Commissioner, bearing date the 23d ultimo, containing instructions for my actions in relation to the settlers upon the land set apart for the Black Bob settlement, was duly received.

Immediately on its reception, and as soon as the weather would permit, I visited the settlement and satisfied myself that all the settlers who have been notified to remove were still there.

I also found in the hands of Mr. H. Nichols, one of the leading men of the settlement, a letter from the Commissioner of Indian Affairs to the Hon. Sidney Clarke, M. C., bearing date January 20, 1866, indicating that the policy of the department would be the same toward *their* settlers as had been pursued toward the settlers upon the absentee land. Also stating that in anticipated negotiations provisions will be made by which the settlers will have an opportunity to obtain the lands upon paying a fair price therefor; and although the two letters were written within three days of each other, to my mind the policies indicated in the two letters seemed somewhat conflicting, and I was led to think that some mistake had been made. And knowing that all the evidence that is necessary to convict the settlers of trespass could be obtained instantly, unless it shall appear that the Commissioner's letter to Clarke gives consent for them to remain on the lands, I deemed best to inform you of the facts and wait for further instructions.

It may be proper for me to state in this connection that from my personal knowledge of the facts I had no reason to think that the presence of those settlers upon said lands has so far been any ways injurious to the interest of the owners.

Prior to this settlement very many persons occupying lands adjoining said tract were in the habit of cutting and carrying away timber off of said tract, but since the settlement the settlers upon the land believing that they would eventually get the land have protected the timber, and in some instances by force of arms, and nothing like the amount of timber stealing is carried on that there was before the settlement was made, although there are a few who still persist, and I have already sent to the United States district attorney a long list of names of trespassers, as well as the names of witnesses to be summoned before the grand jury to testify in these cases, and these witnesses will all be good as against the settlers upon the Black Bob tract if required.

I will also state that the members of the Black Bob settlement were

driven from their tract in the early part of the rebellion, none of which have ever returned to reside thereon.

I have been informed by United States District Attorney Emory that owing to the lameness of the law he has never been able to successfully prosecute a trespass upon Indian land. Please let me hear from you at your earliest opportunity.

Very respectfully, your obedient servant,

JAS. B. ABBOTT,
United States Agent.

Colonel THOS. MURPHY,
• *Superintendent Indian Affairs.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
March 10, 1866.

SIR: I return herewith a letter addressed to you by Hon. K. V. Whaley inclosing a letter to him from P. W. Lumson, esq., (also herewith,) upon the subject of settlers upon what are known as absentee Shawnee lands, which letter was left by you at this office on the 7th instant and an answer requested.

In reply you are informed that a treaty has been recently negotiated with the Shawnee Indians, the contents of which cannot be made public until after its ratification by the Senate, which will doubtless be had. It is not, however, improper to state that by the terms of this treaty what is deemed a just and fair provision is made whereby these settlers will be enabled to obtain title to the lands upon which their respective improvements are made at a fair valuation irrespective of any enhanced value by reason of such improvements.

Very respectfully, your obedient servant,

D. N. COOLEY,
Commissioner.

Hon. SIDNEY CLARKE,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS,
Washington, D. C., March 12, 1866.

SIR: I have the honor to transmit herewith a letter from late Agent Abbott, of the 21st ultimo, inclosing copy of a letter dated January 20, 1866, from you to Hon. Sidney Clarke, M. C., in relation to the petition of settlers upon the Black Bob and absentee Shawnee lands.

I would respectfully recommend that as a treaty has been recently made with the Shawnees by which a fair provision is made for these settlers, that the agent be directed to let them remain on the reservation until they can have an opportunity to purchase their land under the treaty stipulations.

Very respectfully, your obedient servant,

THOS. MURPHY,
Superintendent Indian Affairs.

Hon. D. N. COOLEY,
Commissioner, present.

WESTPORT, JACKSON COUNTY, Mo.,
April 9, 1866.

SIR: I have the honor to request your opinion in regard to locating a homestead on a piece of Indian land known as the Black Bob tract, or on another tract known as the Shawnee reservation, all of which land is situated in Johnson County, Kansas.

I and a few other parties, who have been in the United States army during the past three years, would like to settle on the land above mentioned, provided when the land is sold we could have it at government price. We have lately come from Van Buren County, Iowa, and as discharged soldiers from your State make this request.

I am, very respectfully, your obedient servant,

PHILIP HAYES,
CHAS. C. RICHARD,
DANIEL F. MARK.

Hon. J. B. HARLAN,
Secretary of the Interior, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 19, 1866.

SIR: Your letter of the 9th instant, addressed to the Secretary of the Interior, and making inquiry in relation to a proposed settlement on the Shawnee lands, has been referred to this office for appropriate answer.

In reply you are informed that a treaty has been negotiated with the Shawnee Indians looking to their removal from the State of Kansas, in which event a large portion of their lands will be for sale. This treaty, however, is not ratified by the Senate, and it is possible will not receive the assent of that body. Should such be the case, the lands are subject to the operation of treaties and laws now existing, under which all persons settling upon them, except such as may purchase with the approval of this department from Indians holding lands in severalty, are trespassers.

Very respectfully, your obedient servant,

D. N. COOLEY,
Commissioner.

PHILIP HAYES, Esq.,
Westport, Missouri.

JOHNSON COUNTY, KANSAS,
(Postmarked April 21, 1866.)

SIR: We are settlers on a tract of land in township 14, in range 24 and 25 east of sixth principal meridian; said tract being known as the Black Bob reservation.

We understand this tract to have lately fallen to the United States government by treaty with said Black Bob Indians, a portion of the Shawnee tribe, and will be greatly obliged for answer to the following questions:

1. Are these lands open for settlement? If so,
2. May it be claimed under the homestead? If not,
3. How may claims be secured?

If these lands are to be appraised and sold, we would, of course, feel much interested about the time that would elapse before such sale. We would not be tedious, but being desirous of obtaining a farm at a cheap rate, and believing you are able to give the needed information, is our excuse for addressing you. An answer to the above, or any of Congress or other public document throwing light upon the subject, will be of much benefit to your obedient servant.

THOS. A. PARKER,
And many others.

APRIL 18, 1866.

J. N. COOLEY,
General Indian Agent, Washington, D. C.

SHAWNEE AGENCY,
De Soto, September 30, 1866.

SIR: I herewith transmit the names of certain Shawnee Indians, members of the Black Bob settlement, who have made selections of land, as provided in the fourth article of the treaty of May 10, A. D. 1854, with a description of the lands selected set opposite the name of each.

The parties above referred to made their application to the Shawnee council at their meetings in the months of August and September, 1866, for permission to make selections of land, and Mr. Charles Bluejacket, the United States interpreter, was appointed to act in connection with the United States agent to assist the parties in making their selections, which labor was completed on the 18th of September.

Upon examination of the original list of the members of said settlement, who elected to hold their lands in common, it was found that the reservation contained a quantity of land equal to two hundred acres to each member thereof. In order, therefore, to prevent any difficulty which might occur in case it should be found that the number of the members had increased since the original list was made, it was agreed that selections should only be made by, and in the name of, the original members, and thus secure to the balance of the members of the settlement their due proportion of the reservation.

The selections have been made strictly in accordance with the provisions of the treaty, and in no instance was there any disposition shown to take an undue advantage of any other member.

I am of the opinion that if these selections are approved, and patents issue therefor, that the balance of the members will very soon avail themselves of their right to make selections, and by this means the whole tribe will be harmoniously united, and the imaginary causes of difficulty, which have been greatly and constantly magnified by *self-constituted Indian agents*, will have been disposed of, and the peace and prosperity of the tribe to a great extent secured.

I would, therefore, recommend the favorable consideration of this matter at your earliest convenience.

Very respectfully, your obedient servant,

JAS. B. ABBOTT,
United States Agent.

Hon. LEWIS V. BOGY,
Commissioner Indian Affairs, Washington, D. C.

The names of the members of the Black Bob settlement who have made selections of land as provided in article 4 of the treaty of May 10, A. D. 1854, also the description of the land selected.

Name.	Description of land selected.	Acres.
Big Fox.....	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 27	80.00
	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 27	80.00
	In township 14 S., R. 24 E., the N. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 28	40.00
		200.00
Chelane, or Hiram Fox.	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 27	80.00
	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 27	80.00
	In township 14 S., R. 24 E., the S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 28	40.00
		200.00
Heirs of John Fox, (Big Fox, sole heir.)	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 27	80.00
	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 27	80.00
	In township 14 S., R. 24 E., the N. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 28	40.00
		200.00
Heirs of Joseph Blackfeather.	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 22	80.00
	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 22	80.00
	In township 14 S., R. 24 E., the N. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 21	40.00
		200.00
Heirs of Coffee, (Louis Coffee and Pah-methah-kwa, sole heirs.)	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 22	80.00
	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 22	80.00
	In township 14 S., R. 24 E., the S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 21	40.00
		200.00
Heirs of Kish-a-wah-cum-sa, (Martha McLane, sole heir.)	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 22	80.00
	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 22	80.00
	In township 14 S., R. 24 E., the N. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 21	40.00
		200.00
Heirs of Kin-wah-cum-se.	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 22	80.00
	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 22	80.00
	In township 14 S., R. 24 E., the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 21	40.00
		200.00
Alice Big Fox.....	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 15	80.00
	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 15	80.00
	In township 14 S., R. 24 E., the N. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 16	40.00
		200.00
John Big Fox.....	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 15	80.00
	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 15	80.00
	In township 14 S., R. 24 E., the S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 16	40.00
		200.00
Sun-co-wa-se	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 15	80.00
	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 15	80.00
	In township 14 S., R. 24 E., the N. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 16	40.00
		200.00
Pah-me-thah-kwa	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 15	80.00
	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 15	80.00
	In township 14 S., R. 24 E., the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 16	40.00
		200.00

Names of the members of the Black Bob settlement, &c.—Continued.

Name.	Description of land selected.	Acres.
Heirs of Ke-la-kip-ta, (James Johnson and David Blackfeather, sole heirs.)	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 10	80.00
	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 10	80.00
	In township 14 S., R. 24 E., the N. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 9	40.00
		200.00
Harvey Big Fox	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 10	80.00
	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 10	80.00
	In township 14 S., R. 24 E., the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 9	40.00
		200.00
Johnson Blackfeather..	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 23	80.00
	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 9	80.00
	In township 14 S., R. 24 E., the N. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 16	40.00
		200.00
Lot C. Macey	In township 14 S., R. 24 E., the E. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 9	80.00
	In township 14 S., R. 24 E., the N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 16	40.00
	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 23	80.00
		200.00
Heirs of Stephen Macey, (Lot C. and Mary Macey, sole heirs.)	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 9	80.00
	In township 14 S., R. 24 E., the N. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 10	40.00
	In township 14 S., R. 24 E., the E. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 23	80.00
		200.00
Heirs of Hoh-ta-na-se, (Lot C. and Mary Macey, $\frac{3}{4}$; Widow Coffee, $\frac{1}{4}$, heirs.)	In township 14 S., R. 24 E., the E. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 8	80.00
	In township 14 S., R. 24 E., the N. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 17	40.00
	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 23	80.00
		200.00
Hos-a-ta-cum-se	In township 14 S., R. 24 E., the E. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 31	80.00
	In township 14 S., R. 24 E., the E. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 31	80.00
	In township 14 S., R. 24 E., the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 30	40.00
		200.00
Heirs of Ken-wah-ka-se. Hos-a-ta-cum-se, moth- er and sole heir.	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 31	80.00
	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 31	80.00
	In township 14 S., R. 24 E., the S. W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 30	40.00
		200.00
Heirs of Nah-kah-twah- fe-a-se, Cho-e-qua, mother and sole heir.	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 29	80.00
	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 30	80.00
	In township 14 S., R. 24 E., the N. E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 30	40.00
		200.00
Henry Ellick	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 29	80.00
	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 30	80.00
	In township 14 S., R. 24 E., the S. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 30	40.00
		200.00
Heirs of Wm. Littletail. (John Blackhoof, sole heir.)	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 30	80.00
	In township 14 S., R. 24 E., the N. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 29	40.00
	In township 14 S., R. 24 E., the S. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 20	40.00
	In township 14 S., R. 24 E., the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 19	40.00
		200.00
Heirs of Che-lo-qua. (John Blackhoof $\frac{1}{2}$, Sam and Jo. Wheeler $\frac{1}{4}$ each, heirs.)	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 19	80.00
	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 19	80.00
	In township 14 S., R. 24 E., the S. W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 19	40.00
		200.00

Names of the members of the Black Bob settlement, &c.—Continued.

Name.	Description of land selected.	Acres.
Heirs of Tomahawk....	In township 14 S., R. 24 E., the S. E. $\frac{1}{4}$ of sec. 14.....	160. 00
	In township 14 S., R. 24 E., the N. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 23.....	40. 00
		200. 00
Oh-tha-wa-the.....	In township 14 S., R. 24 E., the S. W. $\frac{1}{4}$ of sec. 14.....	160. 00
	In township 14 S., R. 24 E., the S. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 14.....	40. 00
		200. 00
Mach-is-qua-thah.....	In township 14 S., R. 24 E., the N. W. $\frac{1}{4}$ of sec. 24.....	160. 00
	In township 14 S., R. 24 E., the N. E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 24.....	40. 00
		200. 00
Tete.....	In township 14 S., R. 24 E., the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 24.....	40. 00
	In township 14 S., R. 24 E., the E. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 25.....	80. 00
	In township 14 S., R. 25 E., the W. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 30.....	80. 00
		200. 00
Che-quah-wah.....	In township 14 S., R. 25 E., the S. E. $\frac{1}{4}$ of sec. 7.....	160. 00
	In township 14 S., R. 25 E., the N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 30.....	40. 00
		200. 00
Heirs of Kah-nox-se. (James Perry, sole heir)	In township 14 S., R. 25 E., the N. E. $\frac{1}{4}$ of sec. 7.....	160. 00
	In township 14 S., R. 25 E., the S. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 8.....	40. 00
		200. 00
Heirs of No-tah-ke-we.....	In township 14 S., R. 25 E., the S. W. $\frac{1}{4}$ of sec. 8.....	160. 00
	In township 14 S., R. 25 E., the N. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 17.....	40. 00
		200. 00
Wa-thuk-se.....	In township 14 S., R. 25 E., the S. E. $\frac{1}{4}$ of sec. 8.....	160. 00
	In township 14 S., R. 25 E., the N. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec.	40. 00
		200. 00
Heirs of Sip-su-a-se.....	In township 14 S., R. 25 E., the N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 17.....	40. 00
	In township 14 S., R. 25 E., the S. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 17.....	80. 00
	In township 14 S., R. 25 E., the N. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 17.....	80. 00
		200. 00
Sah-la.....	In township 14 S., R. 25 E., the S. W. $\frac{1}{4}$ of sec. 9.....	160. 00
	In township 14 S., R. 25 E., the N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 16.....	40. 00
		200. 00
Heirs of Ne-zah-nom- ska-ka.	In township 14 S., R. 25 E., the S. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 17.....	80. 00
	In township 14 S., R. 25 E., the N. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 20.....	80. 00
	In township 14 S., R. 25 E., the S. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 20.....	40. 00
		200. 00
Heirs of Black Bob.....	In township 14 S., R. 25 E., the W. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 20.....	80. 00
	In township 14 S., R. 25 E., the W. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 17.....	80. 00
	In township 14 S., R. 25 E., the S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 17.....	40. 00
		200. 00
Math-tha-na-se Bob.....	In township 14 S., R. 25 E., the E. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 20.....	80. 00
	In township 14 S., R. 25 E., the E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 17.....	80. 00
	In township 14 S., R. 25 E., the S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 17.....	40. 00
		200. 00

Names of the members of the Black Bob settlement, &c.—Continued.

Name.	Description of land selected.	Acres.
Ou-ko-wath-kuk Bob...	In township 14 S., R. 25 E., the W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 21.....	80.00
	In township 14 S., R. 25 E., the W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 16.....	80.00
	In township 14 S., R. 25 E., the S. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 16.....	40.00
		200.00
Hoh-loh-quiche	In township 14 S., R. 25 E., the S. E. $\frac{1}{4}$ of sec. 9.....	160.00
	In township 14 S., R. 25 E., the N. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 16.....	40.00
		200.00
Heirs of Nah-to-nah- ka-se.	In township 14 S., R. 25 E., the N. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 16.....	40.00
	In township 14 S., R. 25 E., the S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 16.....	80.00
	In township 14 S., R. 25 E., the W. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 16.....	80.00
		200.00
Math-kaw-wa-se	In township 14 S., R. 24 E., the S. W. $\frac{1}{4}$ of sec. 8.....	160.00
	In township 14 S., R. 24 E., the N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 17.....	40.00
		200.00
Lewis Coffee.....	In township 14 S., R. 25 E., the S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 6.....	80.00
	In township 14 S., R. 25 E., the N. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 6.....	80.00
	In township 14 S., R. 25 E., the S. W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 6.....	40.00
		200.00
Wo-wah-tah, or Ed- ward Crane.	In township 14 S., R. 25 E., the N. E. $\frac{1}{4}$ fractional of sec. 3.....	156.83
	In township 14 S., R. 25 E., the N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ fractional of sec. 3.	38.41
		195.24
Mah-che-lo-se.....	In township 14 S., R. 25 E., the S. W. $\frac{1}{4}$ of sec. 5.....	160.00
	In township 14 S., R. 25 E., the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 6.....	40.00
		200.00
Nut-tah-wah-pe-mah ...	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 7.....	80.00
	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 18.....	80.00
	In township 14 S., R. 24 E., the N. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 17.....	40.00
		200.00
Ton-qua-se-kah-kwa ...	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 19.....	80.00
	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 18.....	80.00
	In township 14 S., R. 24 E., the S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 18.....	40.00
		200.00
Heirs of James Crane, (Po-cot-we and Barlow, children.)	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 17.....	80.00
	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 17.....	80.00
	In township 14 S., R. 24 E., the N. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 18.....	40.00
		200.00
David Blackfeather....	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 20.....	80.00
	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 20.....	80.00
	In township 14 S., R. 24 E., the S. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 21.....	40.00
		200.00
Po-cot-we, (wife of D.B.)	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 20.....	80.00
	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 20.....	80.00
	In township 14 S., R. 24 E., the N. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 21.....	40.00
		200.00

Names of the members of the Black Bob settlement, &c.—Continued.

Name.	Description of land selected.	Acres.
Na-tab-wah-pe-mah, (daughter of D. B.)	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 17	80.00
	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 17	80.00
	In township 14 S., R. 24 E., the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 18	40.00
		200.00
Wah-ka-cha-wa	In township 14 S., R. 24 E., the E. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 32	80.00
	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 32	80.00
	In township 14 S., R. 24 E., the S. E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 29	40.00
		200.00
Nah-swo-se-mo	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 32	80.00
	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 32	80.00
	In township 14 S., R. 24 E., the S. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 29	40.00
		200.00
Heir of John Black- feather, (supposed to be a child living in the Indian country.)	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 30	80.00
	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 32	80.00
	In township 14 S., R. 24 E., the S. W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 29	40.00
		200.00
James Blackfeather....	In township 14 S., R. 24 E., the E. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 32	80.00
	In township 14 S., R. 24 E., the E. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 32	80.00
	In township 14 S., R. 24 E., the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 29	40.00
		200.00
Heirs of Pa-ma-se, (James Johnson and David Blackfeather, sole heirs.)	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 33	80.00
	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 33	80.00
	In township 14 S., R. 24 E., the S. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 28	40.00
		200.00
Heirs of Rin-wah-pe-a- se.	In township 14 S., R. 24 E., the E. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 33	80.00
	In township 14 S., R. 24 E., the E. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 33	80.00
	In township 14 S., R. 24 E., the S. E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 28	40.00
		200.00
Sin-quah.	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 33	80.00
	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 33	80.00
	In township 14 S., R. 24 E., the S. W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 28	40.00
		200.00
John Francis	In township 14 S., R. 24 E., the E. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 33	80.00
	In township 14 S., R. 24 E., the E. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 33	80.00
	In township 14 S., R. 24 E., the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 28	40.00
		200.00
Heirs of Sah-kah-te-zah. (Se-qua and John Fran- cis, sole heirs.)	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 34	80.00
	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 34	80.00
	In township 14 S., R. 24 E., the S. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 27	40.00
		200.00
Heirs of Wolf Dodge, (supposed to have a child in Delaware County.)	In township 14 S., R. 24 E., the E. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 34	80.00
	In township 14 S., R. 24 E., the E. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 34	80.00
	In township 14 S., R. 24 E., the S. E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 27	40.00
		200.00

Names of the members of the Black Bob settlement, &c.—Continued.

Name.	Description of land selected.	Acres.
Ne-kah-nah-ka-se	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 16.....	80.00
	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 34.....	80.00
	In township 14 S., R. 24 E., the S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 16.....	40.00
		200.00
Pe-wa-se	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 29	80.00
	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 28	80.00
	In township 14 S., R. 24 E., the N. W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 28	40.00
		200.00
George Williams, or Na-ket-he-as-ka-ha.	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 29.....	80.00
	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 28.....	80.00
	In township 14 S., R. 24 E., the S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 28.....	40.00
		200.00
Heirs of Thos. Dough- erty. Tha-the-qua- ke-se, (Black Fish, sole heir.)	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 28.....	80.00
	In township 14 S., R. 24 E., the N. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 28	40.00
	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 23	80.00
		200.00
Betsey Perry	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 21.....	80.00
	In township 14 S., R. 24 E., the E. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 21.....	80.00
	In township 14 S., R. 24 E., the S. E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 16	40.00
		200.00
Heirs of Martin Black- hoof. Betsey Perry and Big Siss, sole heirs.	In township 14 S., R. 24 E., the W. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 21.....	80.00
	In township 14 S., R. 24 E., the E. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 21.....	80.00
	In township 14 S., R. 24 E., the S. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 21.....	40.00
		200.00
Heirs of Mathah-we- ke-se. Allen McDougal, sole heir.	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 16.....	80.00
	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 16	80.00
	In township 14 S., R. 24 E., the S. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 16.....	40.00
		200.00
Pel-a-quah	In township 14 S., R. 24 E., the S. E. $\frac{1}{4}$ of sec. 20	160.00
	In township 14 S., R. 24 E., the N. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 21.....	40.00
		200.00
Heirs of Tha-ka-ke-lah- que.	In township 14 S., R. 24 E., the E. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 20	80.00
	In township 14 S., R. 24 E., the N. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 29.....	80.00
	In township 14 S., R. 24 E., the N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 29.....	40.00
		200.00
Heirs of White Crane.. Pe-cat-wer and Bar- low's wife's children.	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 17.....	80.00
	In township 14 S., R. 24 E., the S. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 17.....	80.00
	In township 14 S., R. 24 E., the S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 18.....	40.00
		200.00

We, the undersigned chiefs of the Shawnee tribe of Indians, do hereby certify the foregoing named Shawnees or their heirs, members of the Black Bob settlement, have made selections of land upon the tract for said settlement, as indicated by the description set opposite their names, and that said selections have been made by the persons indicated, who

are entitled thereto and in the manner required by the fourth article of the treaty the tenth day of May, A. D. 1854.

GRAHAM ROGERS,
First Chief.

CHARLES TUCKER,
Second Chief.

CHARLES BLUEJACKET.

SHAWNEE AGENCY.

Witness:

United States Interpreter.

WASHINGTON CITY, D. C.,
November 13, 1866.

SIR: By the terms of the Shawnee treaty of 1854, those Shawnees who preferred to hold their lands in common were at liberty to make selections at any subsequent period, and to have the lands thus selected patented to them in severalty. But the misfortunes of those who had taken their lands in severalty have heretofore deterred those who united with Black Bob in holding in common from availing themselves of the privilege. Recently, however, importuned and deceived by the late Agent Abbott, and those used by him as instruments, some of them, as we are informed, have made selections. Abbott had for years bent the energies of his avaricious nature to the accomplishment of this object, but had heretofore failed.

It is unfortunately the nature of Indians, unacquainted with the true value of lands, to sell them for just what they can get as fast as their wants seem to demand it, and their wants are always pressing. We therefore respectfully remonstrate against the approval of any selections within the reserve known as Black Bob's and absentees, and against the issuance of patents for such selections. Our duty to those who have been deceived by the misrepresentations of interested parties requires this of us. It is proper to state that all, except about five, who have been induced to make individual selections recently are women and are ignorant of the English language.

Besides, it is evident from the fourth and fifth sections of the act of Congress making appropriations for the Indian Department, approved March 30, 1863, that Congress did not intend further selections to be made, as by this law treaties were authorized to be made for the disposal of these lands; we trust, therefore, that none of these selections will be approved or patented, and that you will so inform the Shawnee agent, to the end that all further attempts to disintegrate these reserves held in common may cease.

Very respectfully, your obedient servant,

PASCHAL FISH,

JIM ^{his} + JACOB,

^{mark.}

Shawnee Delegates.

Hon. LOUIS V. BOGY,
Commissioner of Indian Affairs.

BLACK BOB CABINS,
December 19, 1866.

SIR: Over a year ago, myself and others whom I represent settled upon a deserted tract of lands in Johnson County, Kansas, known as the Black Bob Shawnee lands.

These lands were left without inhabitant in about the year 1862, the Indians having left for other places more to their taste, and nearer their hunting grounds; from casual passing members of the band we learned that they had neither wish or desire to return, and knowing the lands to have been held in common, we supposed them to have naturally reverted back to the United States, and settled on them with that full conviction, and supposed we should be entitled to the benefit of the homestead act. During last winter we were ordered to leave the lands instantly; we wrote to Mr. Cooley, who informed us that he had purchased the lands, and made what he deemed just provisions for the settlers.

Upon an examination of the treaty it appeared that the lands were to be sold to the highest bidder, at not less than a valuation made by appraisers, of whom the Indians chose two out of the three; sales to be by secret bids and sealed proposals, opened at Washington, D. C.

This treaty, it seems, never saw the Senate; and now a new project is on foot to rob the settlers under the influence of moneyed outside speculators; the scattered Black Bobs have been hunted up, and persuaded to attempt to take head-rights; not for the purpose of settling on the lands, but wholly for the purpose of sale to those land-sharks.

If we had not settled on the land at the time we did, by the close of this winter every stick of valuable timber would have been cut and carried off the land to the outside settlements, they being entirely prairie and only about two miles off; I personally know of the timber being hauled eight miles from this tract. Now, after having settled and spent one whole year making improvements, at great labor, and the necessary expense of supporting our families, we are unable to pay but very little for the lands, and if we do not get homesteads we shall be sadly disappointed. More than three-fourths of us have been carrying the musket during the war, and we now want a home to enjoy the blessings of a peace so hardly won, and our poverty renders this the only chance that at present shows itself.

In view of these facts we respectfully ask you to make such arrangements with the Black Bobs as shall do them the justice they deserve, and at the same time do us the justice and benefit we so much need.

I remain, very respectfully,

B. W. CUEST,
On behalf of 170 others.

Hon. SECRETARY OF THE INTERIOR.

Address B. W. Cuest, Aubrey, Johnson County, Kansas.

Letter same as above addressed to Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
January 5, 1867.

SIR: Your letter in behalf of certain settlers upon Black Bob's reservation, under the Shawnee treaty of 1854, asking for relief is received. For your information I will state that it is in contemplation to attempt

treaty stipulations with the Shawnees, looking to their removal from their present reservation, and in the event such negotiations are successful, all that can be done for the protection of the settlers consistent with justice to the Indians will be done.

Very respectfully, your obedient servant,

L. V. BOGY,
Commissioner.

B. M. CUEST,
Aubrey, Johnson County, Kansas.

WASHINGTON, D. C., *March 1, 1867.*

SIR: I herewith send you a very brief statement of the case of the Shawnees. Being no lawyer, of course it must be very deficient in system; and besides, in order to keep it within bounds, it was necessary to leave out much that should have been said. As it is, I submit it for your consideration and action.

Very respectfully, your obedient servant,

ABELARD GUTHRIE.

Hon. O. H. BROWNING,
Secretary Interior.

WASHINGTON, D. C., *March 1, 1867.*

SIR: By the treaty of 1825 the Missouri Shawnees became the owners of a tract of land in Kansas equal to fifty miles square, but in that treaty provision was made for the Ohio Shawnees, and in the treaty of 1831 with that tribe their rights were defined to be one hundred thousand acres within one purchase if it could be selected without interfering with our people, otherwise it was to be selected outside. But the Ohio Shawnees came and remained among us, and in 1852 or 1853 abolished our separate organizations, and elected a council claiming to represent both tribes, and then proceeded to treat with the government, and sold our lands to the amount of \$829,000, all of which (except \$40,000) was divided among the two peoples. Each Shawnee received also two hundred acres of land, those preferring it receiving patents in fee for the lands selected by them; and for those who preferred to hold in common a tract equal to two hundred acres each was set apart in one body. Those who took lands in severalty are mostly Ohio Shawnees. Their selections being scattered as preference dictated over a tract twenty-five by thirty miles in extent, they were interspersed among the whites, and outside of the tribal authority. The supreme court of the State of Kansas has decided that these are no longer Indians in the tribal sense, and therefore taxable. The Attorney General of the United States (Mr. Speed) says: "This decision is the law of the case until it is reversed, if it should be by the Supreme Court of the United States." See annual report of the Commissioner of Indian Affairs for 1866, page 305.

These people are therefore citizens at this time under the operation of this judicial decision, and in addition to this the "civil-rights bill" makes them citizens; and citizens cannot be parties to treaties. Such is the opinion of the Kansas senators, as given in the annual report of the Commissioner of Indian Affairs for 1866, page 260, and also of Commissioner Cooley, for which please see page 19, of same report.

By the 4th and 5th sections of the act making appropriations for the Indian Department, approved March 3, 1863, (see United States Statutes at Large, vol. 12, page 793,) the President is authorized to treat with those Indians in Kansas who hold their lands in common and to secure for said Indians homes in the Indian country south of Kansas, thus drawing the plainest line of distinction between those holding lands in common and those holding lands in severalty. It is evident, too, from the treaty of 1854, that the dissolution of the tribe was intended, for, by Article 12, Congress is expressly authorized to legislate for the Shawnee's people, and Congress performed this duty by granting their patents for their lands, and by declaring them citizens under the civil-rights bill, and also by authorizing the President to treat with the others.

We therefore claim that the Shawnee tribe consists only of those who hold lands in common, and such others as they have adopted. Of those holding in common are the absentees who returned and united with the tribe in time to secure the lands reserved for them under the treaty of 1854. Their names are on the pay-roll of the Shawnees in the Indian Office, and the title to these lands vested in them as perfectly as any other Shawnee lands held in common.

But the tribe, as thus defined, are willing to take in all Shawnees who did not receive lands in severalty under the treaty of 1854, and also such Shawnees as took lands in severalty and are now homeless and likely to become a public charge. What more should be asked of them?

Some stress is put on a paper signed by the Shawnee delegation in this city a year ago, and incorporated in the treaty with the citizen Shawnees of March 1, 1866. But as that agreement was obtained by fraudulent representations, it is of no force, and, besides, has been repudiated by the tribe.

It is claimed that the council of the citizen Shawnees have been recognized by the department, but this has been done through the misrepresentations of the agent, who had an interest in favoring them, for it was through them he could and did speculate in Shawnee lands, whereas those holding lands in common had none to sell, and their claims are disregarded.

The tribe, as we claim it to exist, are unwilling to have any further connection with the citizen Shawnees, the leaders of whom, with perhaps one exception, are of the Ohio band, and complain that they have been wronged and oppressed, and brought to the brink of ruin by those men, and they feel that their only hope of safety is in entire separation from them.

In view of these facts, so very briefly set forth, we respectfully ask that you will direct the Commissioner to treat with the delegation which represents those holding lands in common and others affiliated with them.

Very respectfully submitted.

ABELARD GUTHRIE,
For the Shawnees.

Hon. O. H. BROWNING,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, May 9, 1867.

SIR: I inclose herewith, for delivery to the parties entitled thereto, four patents issued to Nancy, Susan, Sally, and Lila Tiblon, who were

"absentee Shawnees," but who have returned and resided with the tribe as provided for in the Shawnee treaty of 1854.

On delivering these patents you will take receipts therefor, and forward the same to this office.

Very respectfully, your obedient servant,

N. G. TAYLOR,
Commissioner.

H. L. TAYLOR, Esq.,
United States Indian Agent, Lexington, Kansas.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, May 14, 1867.

SIR: I have the honor to inclose herewith a list of selections of lands for certain members of Black Bob's band of Shawnee Indians, made under the provisions of the fourth article of the Shawnee treaty of May 10, 1854. (Stat. at Large, vol. 10, page 1056.)

I have caused the list in question to be examined, and there being no objections thereto known to this office, I respectfully recommend that you approve the same and that you direct the General Land Office to issue patents for the selections and forward the same to this office. Said patents to contain the same reservations in regard to the sale or alienation of the lands as is contained in the patents heretofore issued to the Shawnees under the provisions of the same treaty.

Very respectfully, your obedient servant,

N. G. TAYLOR,
Commissioner.

Hon. O. H. BROWNING,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
General Land Office, July 8, 1867.

SIR: I have the honor to transmit herewith, for delivery to the parties entitled thereto, sixty-nine patents, issued in favor of certain Shawnee Indians of Black Bob's band, under provisions of the fourth article of the Shawnee treaty of May 10, 1854.

These patents are recorded in Shawnee Patent Record, vol. 1, pp. 321 to 384, and vol. 12, Miscellaneous Patent Record, pp. 301 to 308.

Please acknowledge receipt of the same.

Very respectfully, your obedient servant,

JOS. S. WILSON,
Commissioner.

Hon. N. G. TAYLOR,
Commissioner Indian Affairs.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, July 20, 1867.

SIR: I have the honor to acknowledge the receipt of sixty-nine patents issued in favor of certain members of Black Bob's band of Shawnee

Indians, under the provisions of the fourth article of the Shawnee treaty of 1854, transmitted with your letter of the 8th instant to this office.

Very respectfully, your obedient servant,

N. G. TAYLOR,
Commissioner.

Hon. JOS. S. WILSON,
Commissioner General Land Office.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, July 20, 1867.

SIR: I inclose herewith, in accordance with your verbal request for delivery to Agent Taylor, sixty-nine patents, issued to certain members of Black Bob's band of Shawnee Indians, under the provisions of the Shawnee treaty of May 10, 1854.

The names of the Indians and descriptions of their lands contained in the patents are as follows, viz:

	Names.	Subdivisions.	Section.	Town.	Range.	Acres.
1	Big Fox.....	N. $\frac{1}{2}$, N. E. $\frac{1}{4}$ N. $\frac{1}{2}$, N. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$, N. E. $\frac{1}{4}$	27 27 28	14 14 14	24 24 24	} 200. 00
2	Che-la-ne	S. $\frac{1}{2}$, N. E. $\frac{1}{4}$ S. $\frac{1}{2}$, N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$..	27 27 28	14 14 14	24 24 24	} 200. 00
3	John Fox, heirs of	N. $\frac{1}{2}$, S. E. $\frac{1}{4}$ N. $\frac{1}{2}$, S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$, S. E. $\frac{1}{4}$	27 27 28	14 14 14	24 24 24	} 200. 00
4	Joseph Blackfeather, heirs of	N. $\frac{1}{2}$, N. E. $\frac{1}{4}$ N. $\frac{1}{2}$, N. W. N. E. $\frac{1}{4}$, N. E. $\frac{1}{4}$	22 22 21	14 14 14	24 24 24	} 200. 00
5	Coffee, heirs of.....	S. $\frac{1}{2}$, N. E. $\frac{1}{4}$ S. $\frac{1}{2}$, N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$, N. E. $\frac{1}{4}$	22 22 21	14 14 14	24 24 24	} 200. 00
6	Kish-a-wah-cum-se, heirs of.....	N. $\frac{1}{2}$, S. E. $\frac{1}{4}$ N. $\frac{1}{2}$, S. W. $\frac{1}{4}$ N. E., S. E.	22 22 21	14 14 14	24 24 24	} 200. 00
7	Kin-wah-cum-se, heirs of.....	S. $\frac{1}{2}$, S. E. $\frac{1}{4}$ S. $\frac{1}{2}$, S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$, S. E. $\frac{1}{4}$	22 22 21	14 14 14	24 24 24	} 200. 00
8	Alice Big Fox, alias Ke-tah-ka-pe-a-se.....	N. $\frac{1}{2}$, N. E. $\frac{1}{4}$ N. $\frac{1}{2}$, N. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$, N. E. $\frac{1}{4}$	15 15 16	14 14 14	24 24 24	} 200. 00
9	John Big Fox.....	S. $\frac{1}{2}$, N. E. $\frac{1}{4}$ S. $\frac{1}{2}$, N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$, N. E. $\frac{1}{4}$	15 15 16	14 14 14	24 24 24	} 200. 00
10	Sem-co-wa-se.....	N. $\frac{1}{2}$, S. E. $\frac{1}{4}$ N. $\frac{1}{2}$, S. W. N. E. $\frac{1}{4}$, S. E. $\frac{1}{4}$	15 15 16	14 14 14	24 24 24	} 200. 00
11	Pa-me-thah-kwa	S. $\frac{1}{2}$, S. E. $\frac{1}{4}$ S. $\frac{1}{2}$, S. W. $\frac{1}{4}$ S. E., S. E. $\frac{1}{4}$	15 15 16	14 14 14	24 24 24	} 200. 00
12	Ke-lakip-ta, heirs of.....	N. $\frac{1}{2}$, S. E. $\frac{1}{4}$ N. $\frac{1}{2}$, S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$, S. E. $\frac{1}{4}$	10 10 9	14 14 14	24 24 24	} 200. 00
13	Harvey Big Fox, alias Now-wah-pe-a-se-kah.....	S. E. $\frac{1}{4}$, S. E. $\frac{1}{4}$ S. $\frac{1}{2}$, S. E. $\frac{1}{4}$ S. $\frac{1}{2}$, S. W. $\frac{1}{4}$	9 9 10	14 14 14	24 24 24	} 200. 00

Names of Indians and description of their lands contained in patents.

	Names.	Subdivisions.	Section.	Town.	Range.	Acres.
14	Johnson Blackfeather, alias Pah-cat-chin-to.....	W. $\frac{1}{2}$, S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$, N. E. $\frac{1}{4}$ W. $\frac{1}{2}$, N. E. $\frac{1}{4}$	9 16 23	14 14 14	24 24 24	} 200. 00
15	Lot C. Macy	E. $\frac{1}{2}$, S. W. $\frac{1}{4}$ N. E., N. W. $\frac{1}{4}$ W. $\frac{1}{2}$, N. W. $\frac{1}{4}$	9 16 23	14 14 14	24 24 24	} 200. 00
16	Stephen Macey, heirs of.....	W. $\frac{1}{2}$, S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$, N. W. $\frac{1}{4}$ E. $\frac{1}{2}$, N. W. $\frac{1}{4}$	9 16 23	14 14 14	24 24 24	} 200. 00
17	Ho-ta-na-se, heirs of.....	E. $\frac{1}{2}$, S. E. N. E., N. E. $\frac{1}{4}$ N. $\frac{1}{2}$, S. W. $\frac{1}{4}$	8 17 23	14 14 14	24 24 24	} 200. 00
18	Has-a-ta-cum-se	S. E. $\frac{1}{4}$, S. E. $\frac{1}{4}$ E. $\frac{1}{2}$, S. E. $\frac{1}{4}$ E. $\frac{1}{2}$, N. E. $\frac{1}{4}$	30 31 31	14 14 14	24 24 24	} 200. 00
19	Ken-wah-ka-se, heirs of.....	S. W. $\frac{1}{4}$, S. E. $\frac{1}{4}$ W. $\frac{1}{2}$, S. E. $\frac{1}{4}$ W. $\frac{1}{2}$, N. E. $\frac{1}{4}$	30 31 31	14 14 14	24 24 24	} 200. 00
20	Nah-kaht-wah-pe-a-se, heirs of.....	N. $\frac{1}{2}$, S. W. $\frac{1}{4}$ N. $\frac{1}{2}$, S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$, S. W. $\frac{1}{4}$	29 30 30	14 14 14	24 24 24	} 200. 00
21	Henry Ellick	S. $\frac{1}{2}$, N. W. $\frac{1}{4}$ S. $\frac{1}{2}$, N. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$, N. W. $\frac{1}{4}$	29 30 30	14 14 14	24 24 24	} 200. 00
22	William Littletail, heirs of.....	S. E. $\frac{1}{4}$, S. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$, S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$, N. W. $\frac{1}{4}$ N. $\frac{1}{2}$, N. E.	19 20 29 30	14 14 14 14	24 24 24 24	} 200. 00
23	Che-lo-qua, heirs of	S. $\frac{1}{2}$, N. E. $\frac{1}{4}$ N. $\frac{1}{2}$, S. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$, S. E. $\frac{1}{4}$	19 19 19	14 14 14	24 24 24	} 200. 00
24	Tomahawk, heirs of.....	S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$, N. E. $\frac{1}{4}$	14 23	14 14	24 24	} 200. 00
25	Oh-tha-wa-the.....	S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$, N. W. $\frac{1}{4}$	14 14	14 14	24 24	} 200. 00
26	Much-is-qua-thah	N. W. $\frac{1}{4}$ N. E., S. W.	24 24	14 14	24 24	} 200. 00
27	Tete	S. E. $\frac{1}{4}$, S. E. $\frac{1}{4}$ E. $\frac{1}{2}$, N. E. $\frac{1}{4}$ W. $\frac{1}{2}$, N. W. $\frac{1}{4}$	24 25 30	14 14 14	24 24 25	} 200. 00
28	Che-que-wah.....	S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$, N. W. $\frac{1}{4}$	7 30	14 14	25 25	} 200. 00
29	Kah-nox-se, heirs of.....	N. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$, N. W. $\frac{1}{4}$	7 8	14 14	25 25	} 200. 00
30	No-tah-ke-we, heirs of.....	S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$, N. W. $\frac{1}{4}$	8 17	14 14	25 25	} 200. 00
31	Wah-thuk-se.....	S. E. $\frac{1}{4}$ N. W. N. E. $\frac{1}{4}$	8 17	14 14	25 25	} 200. 00
32	Lip-pe-a-se, heirs of.....	N. E. $\frac{1}{4}$, N. W. $\frac{1}{4}$ S. $\frac{1}{2}$, N. W. $\frac{1}{4}$ N. $\frac{1}{2}$ S. W.	17 17 17	14 14 14	25 25 25	} 200. 00
33	Lah-la	S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$, N. W. $\frac{1}{4}$	9 16	14 14	25 25	} 200. 00
34	Neza-nom-ska-ka, heirs of.....	S. $\frac{1}{2}$, S. W. $\frac{1}{4}$ N. $\frac{1}{2}$, N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	17 20 20	14 14 14	25 25 25	} 200. 00
35	Black Bob, heirs of.....	W. $\frac{1}{2}$, S. E. $\frac{1}{4}$ S. W., N. E. W. $\frac{1}{2}$, N. E. $\frac{1}{4}$	17 17 20	14 14 14	25 25 25	} 200. 00

Names of Indians and description of their lands contained in patents—Continued.

	Names.	Subdivisions.	Section.	Town.	Range.	Acres.
36	Math-tha-na-sa Bob	E. $\frac{1}{2}$, S. E. $\frac{1}{4}$	17	14	25	} 200. 00
		S. E. $\frac{1}{4}$, N. E. $\frac{1}{4}$	17	14	25	
		E. $\frac{1}{2}$, N. E. $\frac{1}{4}$	20	14	25	
37	Ou-ko-wath-kuk Bob.....	W. $\frac{1}{2}$, S. W. $\frac{1}{4}$	16	14	25	} 200. 00
		S. W. $\frac{1}{4}$, N. W. $\frac{1}{4}$	16	14	25	
		W. $\frac{1}{2}$, N. W. $\frac{1}{4}$	21	14	25	
38	Hoh-toh-quiche	S. E. $\frac{1}{4}$	9			} 200. 00
		N. E. $\frac{1}{4}$, N. E. $\frac{1}{4}$	16	14	25	
39	Nah-to-nah-ka-see, heirs of.....	N. W. $\frac{1}{4}$, N. E. $\frac{1}{4}$	16	14	25	} 200. 00
		S. $\frac{1}{2}$, N. E. $\frac{1}{4}$	16	14	25	
		N. $\frac{1}{4}$, S. E. $\frac{1}{2}$	16	14	25	
40	Math-kaw-wa-se.....	S. W. $\frac{1}{4}$	8	14	24	} 200. 00
		N. E. $\frac{1}{4}$, N. W. $\frac{1}{4}$	17	14	24	
41	Lewis Coffee	S. $\frac{1}{2}$, N. E. $\frac{1}{4}$	6	14	25	} 200. 00
		N. $\frac{1}{2}$, S. E. $\frac{1}{4}$	6	14	25	
		S. W. $\frac{1}{4}$, S. E. $\frac{1}{4}$	6	14	25	
42	Wo-wah-tah, or Edward Crane.....	N. E. fr. $\frac{1}{4}$	3	14	25	} 195. 24
		N. E., N. W. fr. $\frac{1}{4}$	3	14	25	
43	Mah-chi-lo-se.....	S. W. $\frac{1}{4}$	5	14	25	} 200. 00
		S. E. $\frac{1}{4}$, S. E. $\frac{1}{4}$	6	14	25	
44	Nut-tah-wah-pe-mah	S. $\frac{1}{2}$, S. E. $\frac{1}{4}$	7	14	24	} 200. 00
		N. W. $\frac{1}{4}$, N. W. $\frac{1}{4}$	17	14	24	
		N. $\frac{1}{2}$, N. E. $\frac{1}{4}$	18	14	24	
45	You-qua-se-kah	W. $\frac{1}{2}$, S. E. $\frac{1}{4}$	18	14	24	} 200. 00
		S. W. $\frac{1}{4}$, N. E. $\frac{1}{4}$	18	14	24	
		N. $\frac{1}{2}$, N. E.	19	14	24	
46	James Crane, heirs of.....	N. $\frac{1}{2}$, S. E. $\frac{1}{4}$	17	14	24	} 200. 00
		N. $\frac{1}{2}$, S. W. $\frac{1}{4}$	17	14	24	
		N. E. $\frac{1}{4}$, S. E. $\frac{1}{4}$	18	14	24	
47	David Blackfeather	S. $\frac{1}{2}$, N. W.	20	14	24	} 200. 00
		S. $\frac{1}{2}$, N. E. $\frac{1}{4}$	20	14	24	
		S. W. $\frac{1}{4}$, N. W. $\frac{1}{4}$	21	14	24	
48	Po-cot-we	N. $\frac{1}{2}$, N. W. $\frac{1}{4}$	20	14	24	} 200. 00
		N. $\frac{1}{2}$, N. E. $\frac{1}{4}$	20	14	24	
		N. W., N. W.	21	14	24	
49	Na-tah-wah-pe-mah	S. $\frac{1}{2}$, S. E. $\frac{1}{4}$	17	14	24	} 200. 00
		S. $\frac{1}{2}$, S. W. $\frac{1}{4}$	17	14	24	
		S. E. $\frac{1}{4}$, S. E. $\frac{1}{4}$	18	14	24	
50	Wah-ka-cha-wa	S. E. $\frac{1}{4}$, S. W. $\frac{1}{4}$	29	14	24	} 200. 00
		E. $\frac{1}{2}$, S. W. $\frac{1}{4}$	32	14	24	
		E. $\frac{1}{2}$, N. W. $\frac{1}{4}$	32	14	24	
51	Nah-sne-se-mo	S. W. $\frac{1}{4}$, S. W. $\frac{1}{4}$	29	14	24	} 200. 00
		W. $\frac{1}{2}$, S. W. $\frac{1}{4}$	32	14	24	
		W. $\frac{1}{2}$, N. W. $\frac{1}{4}$	32	14	24	
52	John Blackfeather, heirs of.....	S. W. $\frac{1}{4}$, S. E. $\frac{1}{4}$	29	14	24	} 200. 00
		W. $\frac{1}{2}$, S. E. $\frac{1}{4}$	32	14	24	
		W. $\frac{1}{2}$, N. E.	32	14	24	
53	James Blackfeather, alias Quah-ko-cha.....	S. E. $\frac{1}{4}$, S. E. $\frac{1}{4}$	29	14	24	} 200. 00
		E. $\frac{1}{2}$, N. E. $\frac{1}{4}$	32	14	24	
		E. $\frac{1}{2}$, S. E. $\frac{1}{4}$	32	14	24	
54	Pa-ma-se, heirs of.....	S. W. $\frac{1}{4}$, S. W. $\frac{1}{4}$	28	14	24	} 200. 00
		W. $\frac{1}{2}$, S. W.	33	14	24	
		W. $\frac{1}{2}$, N. W.	33	14	24	
55	Kin-wah-pe-a-se, heirs of.....	S. E. $\frac{1}{4}$, S. W. $\frac{1}{4}$	28	14	24	} 200. 00
		E. $\frac{1}{2}$, S. W. $\frac{1}{4}$	33	14	24	
		E. $\frac{1}{2}$, N. W. $\frac{1}{4}$	33	14	24	
56	Su-quah.....	S. W. $\frac{1}{4}$, S. E. $\frac{1}{4}$	28	14	24	} 200. 00
		W. $\frac{1}{2}$, S. E. $\frac{1}{4}$	33	14	24	
		W. $\frac{1}{2}$, N. E. $\frac{1}{4}$	33	14	24	

Names of Indians and description of their lands contained in patents—Continued.

	Names.	Subdivisions.	Section.	Town.	Range.	Acres.
57	John Francis, alias Sen-ne wa-pe-to.....	E. $\frac{1}{2}$, S. E. $\frac{1}{2}$ E. $\frac{1}{2}$, N. E. $\frac{1}{2}$ S. E. $\frac{1}{2}$, S. E. $\frac{1}{2}$	33 33 28	14 14 14	24 24 24	} 200. 00
58	Sah-kah-te-yah, heirs of	S. W. $\frac{1}{2}$, S. W. $\frac{1}{2}$.. W. $\frac{1}{2}$, S. W. $\frac{1}{2}$ W. $\frac{1}{2}$, N. W. $\frac{1}{2}$	27 34 34	14 14 14	24 24 24	} 200. 00
59	Wolf Dodge, heirs of	S. E. $\frac{1}{2}$, S. W. $\frac{1}{2}$ E. $\frac{1}{2}$, S. W. $\frac{1}{2}$ E. $\frac{1}{2}$, N. W. $\frac{1}{2}$	27 34 34	14 14 14	24 24 24	} 200. 00
60	Ne-kah-nah-ka-se.....	W. $\frac{1}{2}$, N. E. $\frac{1}{2}$ W. $\frac{1}{2}$, S. E. $\frac{1}{2}$ S. W. $\frac{1}{2}$, N. E. $\frac{1}{2}$..	34 16 16	 14	 24	} 200. 00
61	Pe-wa-se	N. $\frac{1}{2}$, S. E. $\frac{1}{2}$ N. $\frac{1}{2}$, S. W. $\frac{1}{2}$ N. W., S. E. $\frac{1}{2}$	29 28 28	14 14 14	24 24 24	} 200. 00
62	George Williams.....	S. $\frac{1}{2}$, N. E. $\frac{1}{2}$ S. $\frac{1}{2}$, N. W. $\frac{1}{2}$ S. W., N. E. $\frac{1}{2}$	29 28 28	 14	 24	} 200. 00
63	Thomas Dougherty, heirs of	S. $\frac{1}{2}$, S. W. $\frac{1}{2}$ N. $\frac{1}{2}$, N. W. $\frac{1}{2}$ N. W. $\frac{1}{2}$, N. E. $\frac{1}{2}$..	23 28 28	 14	 24	} 200. 00
64	Betsey Perry.....	S. E. $\frac{1}{2}$, S. W. $\frac{1}{2}$ W. $\frac{1}{2}$, N. E. $\frac{1}{2}$ E. $\frac{1}{2}$, N. W. $\frac{1}{2}$	16 21 21	14 14 14	24 24 34	} 200. 00
65	Martin Blackhoof, heirs of	W. $\frac{1}{2}$, S. E. $\frac{1}{2}$ E. $\frac{1}{2}$, S. W. $\frac{1}{2}$ S. W. $\frac{1}{2}$, S. W. $\frac{1}{2}$..	21 21 21	14 14 14	24 24 24	} 200. 00
66	Ma-thah-we-ke-se, heirs of.....	S. $\frac{1}{2}$, N. W. $\frac{1}{2}$ N. $\frac{1}{2}$, S. W. $\frac{1}{2}$ S. W. $\frac{1}{2}$, S. W. $\frac{1}{2}$..	16 16 16	14 14 14	24 24 24	} 200. 00
67	Peb-a-quah.....	S. E. $\frac{1}{2}$ N. W. $\frac{1}{2}$, S. W. $\frac{1}{2}$..	20 21	14 14	24 24	} 200. 00
68	Tha-ka-ke-lah-qua, heirs of.....	E. $\frac{1}{2}$, S. W. $\frac{1}{2}$ N. $\frac{1}{2}$, N. E. $\frac{1}{2}$ N. E., N. W. $\frac{1}{2}$	20 29 29	14 14 14	24 24 24	} 200. 00
69	White Crane, heirs of.....	S. E. $\frac{1}{2}$, N. E. $\frac{1}{2}$ S. $\frac{1}{2}$, N. E. $\frac{1}{2}$ S. $\frac{1}{2}$, N. W. $\frac{1}{2}$	18 17 17	14 14 14	24 24 24	}

Very respectfully,

N. G. TAYLOR,
Commissioner.

Hon. SIDNEY CLARKE,
House of Representatives.

OLATHE, JOHNSON COUNTY, KANSAS,
August 27, 1867.

DEAR SIR: Will you be so kind as to give me some information about the Shawnee lands in this county, known as the Black Bob lands, embracing townships 14 south, ranges 24 and 25 east. I suppose that you know that a large portion of the Shawnees took their lands by head-right, and in fact all of them complied with the treaty of 1854, excepting those of the Black Bob band. Please inform me, by letter, if the Black Bob Indians can take their head rights at this time. The land in question is all settled, and a large portion of the settlers are soldiers who, after serving their country, have stopped on the reserve, hoping that it would be subject to homestead or pre-emption.

I remain your friend, as ever,

ABNER ARRASMITH.

Mr. JAMES HARLAN,
Washington, D. C.

Indorsed on above letter: Respectfully referred to the honorable Commissioner of Indian Affairs, requesting that the desired information may be furnished the writer.

JAS. HARLAN.

KANSAS CITY, MISSOURI,
September 16, 1867.

SIR: There is a tract of land in the eastern portion of Johnson County, Kansas, about ten miles long and about six miles wide. This tract is now covered with squatters, and known as the "Black Bob tract," deriving its name from that tribe of Indians. This tribe, I am told, was formerly a member or portion of the Shawnee tribe. This Black Bob tribe left said lands and went into the Indian country on or about the year 1860.

The squatters now say that this "B. B. tract" was ceded back to the United States, and hence is government land.

Can you give me any positive information on the subject? First. Will government respect the squatters' claim on this tract; and when will this land be brought into market; and can land be entered on this tract under the homestead act?

Hoping to hear from you at your earliest convenience,

I remain, very truly, your obedient servant,

D. ESTAING DICKERSON.

To COMMISSIONER OF THE LAND OFFICE,
Washington.

[Indorsed on back of preceding letter of Mr. Dickerson.]

DEPARTMENT OF THE INTERIOR,
General Land Office, October 3, 1867.

Respectfully referred to the honorable Commissioner of Indian Affairs for such action as may be deemed proper, and the writer so informed.

JOS. S. WILSON,
Commissioner.

OLATHE, KANSAS, *November 4, 1867.*

DEAR SIR: I wish you would have the kindness to inform me in relation to a tract of land lying in Johnson County, Kansas, known as the Black Bob land, whether the actual settlers on the land will stand any chance of getting the land or not. We have all (or very nigh all) been soldiers for the Union, and we understand from Mr. Cooley that we should have the land, and now there seems to be a good deal of doubt about the possibility as to whether the settler will ever stand any chance beside the speculators or not. We would also like to know whether the Indians have any right under existing treaties to take what they call head-rights, and if they have, have they the right to sell the land, or has Congress to act in some way before they have the right to sell? If you will have the kindness to answer the above inquiries you will very much oblige your humble servant and old soldier,

JOHN TOYNBEE.

Address: John Toynbee, Olathe, Johnson County, Kansas.

HON. O. H. BROWNING,
Secretary of the Interior Department.

[Telegram.]

LAWRENCE, KANSAS, *November 15, 1867.*

To N. G. TAYLOR,
Commissioner Indian Affairs:

Have patents to Shawnees who made selections in Black Bob's settlement been issued and sent to Kansas? if so, when? If issued, order suspension of sales by Agent Taylor of these lands until the matter is investigated. Answer.

GRAHAM ROGERS.

BLACK BOB'S SHAWNEE RESERVE, KANSAS,
November 18, 1867.

SIR: By the second article of the treaty of 1854 with the Shawnees, certain lands were set apart to be held in common by such Shawnees as should so elect.

Recently great efforts have been made, and are still making, to induce these people to take their lands in severalty. This is done with the design of speculating in the lands, for while held in common no title can be obtained by the speculator. Foremost in this dishonest and dishonorable business is the late agent, James B. Abbott. This man has already made a snug fortune out of the Shawnees who first made selections in severalty, but having nearly exhausted that source of speculation, he has for several years directed his efforts to the reserves held in common, and now says that about one hundred of these persons have made severalty selections, but as very few of them seem to know anything about it, it is evident that a fraud has been practiced on them by Abbott, who was then agent, and his co-workers.

According to the true intent and meaning of the treaty of 1854, these reserves cannot be gradually disintegrated as individuals may desire—much less can they be apportioned out by the agent and those he recog-

nizes as the Shawnee council, to suit their speculative purposes. It is evident from the fourth article and other parts of the treaty that the whole community holding in common must consent to severalty selections before they can be made; otherwise the greatest injustice may be done; for as these selections are made at the instigation of speculators, these will of course have the best lands selected without regard to right or justice. And this has been done. If it is true, as Abbott says, that selections have been made and patents issued, it has been done with such secrecy that few of the Shawnees know anything about it, and none of them is able to say where his land is. The whole thing is evidently a fraud on the Indians; and as parties in Black Bob's reserve, and holding a common interest there, we respectfully remonstrate against the issuance of patents for any such selections, and if any patents have been issued, we ask that they be recalled and canceled, and the subject thoroughly investigated.

Our people have been shamefully imposed on by Abbott ever since he became agent, and we now hear he is about to start to Washington with a large quantity of deeds for the approval of the department, but we trust none will be approved that conveys title to lands in Black Bob's reserve (so called) or to those reserved for absentees.

We are, respectfully, your friends,

JIM JACOB, his + mark.
 WILLIAM SCARRETT, his + mark.
 JOHN PERRY, his + mark.
 WILLIAM HARVEY, his + mark.
 WILLIAM BOB, his + mark.
 JOHN DAY, his + mark.
 TE-TAH-PE-AS-KUK, his + mark.
 JOE CHARLEY, his + mark.
 BILLY DICK, his x mark.
 BILLY GIBSON, his + mark.
 HENRY DOUGHERTY, his + mark.
 PAH-MAH-PE-A-SE, his + mark.
 JACOB MARSH, his + mark.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs.

SHAWNEE LANDS, KANSAS,
 November 19, 1867.

SIR: We have long been oppressed by James B. Abbott, a United States Indian agent, and now he pursues us with unrelenting avarice and cruelty as land agent, and by fraudulent representations and persistent endeavors he persuaded some of our people to make selections in severalty of lands within Black Bob's reserve, (so called,) set apart to be held in common under the treaty of 1854. We declare to you that none of us have voluntarily taken severalty selections, nor do we believe any member of our community has done so, and we trust that you will not allow any patents to be issued for any lands within Black Bob's reserve. And we further ask that the Shawnee agency and Abbott's land agency be separated; for though we have great confidence in Agent Taylor's honesty, the fact that Abbott has his land agency in the same room gives

him great advantages, and opportunities of deceiving our people. Hoping that you will give our wishes immediate attention, we remain

Your friends and wards,

JIM JACOB, his + mark.
 WILLIAM HARVEY, his + mark.
 WILLIAM SCARROTT, his + mark.
 WILLIAM BOB, his + mark.
 HENRY DOUGHERTY, his + mark. •
 BILL DICK, his + mark.
 JOHN PERRY, his + mark.
 PAH-MA-PE-A-SE, his + mark.
 YEATA-JEA-SKAHS-RAH, his + mark.
 JAMES PROFFIT, his + mark.
 WIDOW BOB, her + mark.
 JOHN LECOMSE, his + mark.
 MISS GRASS, her + mark.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
 OFFICE OF INDIAN AFFAIRS,
 November 20, 1867.

SIR: In reply to your telegram of the 15th instant, you are informed that sixty-nine patents have been issued to certain members of Black Bob's band of Shawnee Indians, for two hundred acres each, of the lands selected to be held in common by said band, under the treaty of 1854, which patents were, on the 20th of July last, sent to the Hon. Sidney Clarke, of the House of Representatives, agreeable to his verbal request.

It is proper to remark that the patents referred to contain the same restriction against the sale of the lands as is contained in those heretofore issued to those Shawnees who received allotments of land in severalty under said treaty.

Very respectfully, your obedient servant,

CHARLES E. MIX,
Acting Commissioner.

GRAHAM ROGERS, Esq.,
Lawrence, Kansas.

WASHINGTON CITY, D. C.,
 December 3, 1867.

SIR: As the local or advisory friend of, and authorized by, those Shawnees who hold lands in common under the treaty of 1854, I respectfully but earnestly remonstrate against the consummation of the great fraud that is about to be perpetrated upon these people by the issuance of patents to a portion of them for lands embraced within the common reserve. These people have already memorialized you on this subject, and denied that they have voluntarily applied for patents, and also denied the right of individuals to take selections in severalty under the treaty, without the consent of the whole or the greater part of the community.

This matter of the issuance of patents seems to have been managed

with great secrecy by those engaged in it, and selections made, if made at all, as they could bribe or scare an Indian into the fatal step. One instance will perhaps illustrate how the thing is accomplished: Black Bob's widow, who is in very distressed circumstances, was offered three hundred dollars if she would consent to take her land in severalty; she took the money, and now it appears the three hundred dollars were for her land, which she did not want to sell, and which is worth two thousand dollars. I have these facts from the Indians themselves; and they assure me, too, that lands have been assigned in severalty to those whom neither bribery nor intimidation could influence to agree to such assignment. And, indeed, from all I can learn, this whole transaction is one of the blackest and most inhuman that has ever taken place in the management of Indian affairs. It should be remembered that these people were driven from their homes early in the war, and have since that time received neither rations nor clothing from the government, but have borne every privation and hardship which homeless and penniless wanderers could endure, and that, too, under the eye of the United States agent, whose duty it was to protect and succor them. But they refused to break up their common reserve, hence the cruel punishment. Under such circumstances they maintained the integrity of their reserve, and now, when times are easier and safer, and they can return and are returning to their long deserted homes, it would be most strange indeed if they would consent to a measure they have so long and manfully resisted.

I therefore earnestly request that you telegraph Agent Taylor to withhold all patents issued to members of Black Bob's party, and to those commonly known as absentees, and to bring the same to Washington, to be suspended until the whole subject shall have been investigated.

Very respectfully, your obedient servant,

ABELARD GUTHRIE,
On behalf of the Missouri Shawnees.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs.

DE SOTO, KANSAS, *December 5, 1867.*

I am informed that the *great Indian man*, Abelard Guthrie, is in Washington, attempting to have the patents issued to the members of the Black Bob settlement (of Shawnees) recalled and canceled, and further trying to prevent, if possible, any more selections being patented.

By reference to the article of the Shawnee treaty of May 10, 1854, it will be seen that these members have the right to make selections of two hundred acres each; out of one hundred and sixty-nine members of said settlement about one hundred and thirty have made selections, and sixty-nine of this number have received patents for their selections, and of this last number nearly all have sold some portion of their land; so that it will be seen that if the government has the legal right to recall the patents (which I deny) it works a hardship to all the parties, and could be of no possible benefit to the government; besides, all of these Shawnees have been refugees since 1862, have no homes, are destitute, and winter is upon them, and the only resource they have is to sell some portion of their lands, in order to make them anyway comfortable during the cold weather.

But as it happens I have a written statement from Mr. Guthrie, setting forth his programme, with a proposition for me to go in with

him, with a guarantee that I shall have twenty thousand dollars for my services. The result of a successful carrying out of his programme will be that the lands will cost the white settlers not less than \$10 50 per acre. And when Mr. Guthrie found that he could not induce me to go in with him he commences a fight not only on me but on Colonel Taylor, the agent. So far as I am concerned I do not care a pin, but you know that Guthrie is one of the most persevering men in the world, and he may make some impression upon men that do not know him; and I ask of you that you see to it that Colonel Taylor has no undue advantage taken of him, and I think I can truly say that in doing this favor to the colonel you will be favoring as good a friend as you have in Kansas.

I think you will see plainly that no change could be made with reference to the Black Bob lands which would be of any advantage to the settlers, for I am satisfied that before a treaty can be ratified every member of that band will have made his selection and there will not be a foot of land to treat about; and I know that Guthrie's plan would be very obnoxious to the settlers.

Please let me hear from you as often as convenient, and believe me, truly, your friend and obedient servant,

JAS. B. ABBOTT.

Hon. E. G. ROSS.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
December 13, 1867.

H. L. TAYLOR, Esq.,
United States Indian Agent, De Soto, Kansas:

Suspend the delivery of the sixty-nine patents for members of Black Bob's band transmitted to you through Hon. Sidney Clarke, and if any have been delivered recall them and retain for further orders.

Answer.

CHARLES E. MIX,
Acting Commissioner.

BLACK BOB'S LANDS, NEAR AUBREY,
JOHNSON COUNTY, KANSAS,
December 10, 1867.

SIR: I address you on behalf of certain settlers on the Black Bob reservation of the Shawnee tribe of Indians in this county.

I write to you at their special request, as they fear that injustice has been or may be done them. They settled on these lands near two years ago, and have resided on them since, and have gone on and made improvements up to the utmost of their ability. The *authority* most of them claim for their settlement is a letter from Mr. Commissioner Cooley, written in January, 1866, in which he says he had purchased the lands in question from the Black Bobs, and had made suitable provisions in the treaty for the protection of the settler's rights. With this understanding settlers poured in until there are now more than one thousand (1,000) inhabitants on the tract of land. They are poor, (generally very poor,) and have spent all their little means in improving the land and supporting their families, and now interested parties are making an

effort, after two treaties, (one in last March,) to persuade the Black Bobs that they are entitled to "head-rights." If head-rights are granted the largest majority of the settlers are inevitably ruined; because of their poverty they are unable to pay a large price for their land, and others will pay more than they are able, on account of getting the settlers' improvements. It is said that patents have been issued for sixty or seventy head-rights now, and many of the settlers have suspended improvements in consequence of the rumor. I would be very glad if you would state the facts in the case.

I am, very respectfully,

B. M. CRUST.

The COMMISSIONER OF INDIAN AFFAIRS.

(Address B. M. Crust, Aubrey, Johnson County, Kansas.)

UNITED STATES SENATE CHAMBER,

Washington, D. C., December 11, 1867.

SIR: I have the honor to transmit herewith a communication from Major James B. Abbott, of Kansas, and formerly agent of the Shawnee Indians. His statements are entitled to consideration. If Mr. Guthrie, the gentleman spoken of, is engaged in any such transaction as is stated, I hope he will at once be discountenanced by the bureau. I have no confidence in him as a man of rectitude.

Very respectfully,

E. G. ROSS.

Hon. N. G. TAYLOR,

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE,

December 17, 1867.

SIR: I have the honor to inclose herewith, for such action as may be proper, a letter from John Toynbee, esq., of Olathe, Kansas, making inquiry relative to Indian lands in Kansas.

With great respect, your obedient servant,

JOS. S. WILSON,
Commissioner.

Hon. N. G. TAYLOR,

Commissioner Indian Affairs.

EUDORA, KANSAS, December 23, 1867.

SIR: In answer to your request I take the liberty to inform you that the whites are making use of and wasting the timber on the Black Bob reserve lands at a shocking rate; we desire measures taken to put a stop to it as soon as may be.

Respectfully, your servant,

PASCHAL FISH.

Mr. TAYLOR,

Commissioner of Indian Affairs.

WASHINGTON, *December 26.*

Respectfully referred to the honorable Commissioner of Indian Affairs, with the request that an official answer be made through me, as to the legal rights of the within petitioners to the land occupied by them, and also as to the provisions of the pending treaty relative to these lands. Please return the within papers to me.

SIDNEY CLARKE, M. C.

DE SOTO, KANSAS, *December 28, 1867.*

SIR: Your telegram of the 13th instant, in relation to the sixty-nine Black Bob patents, reached me by mail in Mattoon, Illinois, and I avail myself of the first opportunity, upon my return home, to reply, and in answer would say that your orders respecting the same will be obeyed.

I am, very respectfully, your obedient servant,

H. L. TAYLOR,
United States Indian Agent.

HON. CHARLES E. MIX,
Acting Commissioner of Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
December 28, 1867.

SIR: I have the honor to acknowledge the receipt, by reference from you, of a petition to the Senate of the United States from certain settlers upon the tract of land assigned to Black Bob's band of Shawnee Indians under the Shawnee treaty of 1854, asking some protection of their interests as settlers upon said lands; also a letter from D. A. Meek, esq., inclosing the aforesaid petition to you.

In reply to your note inclosing said petition and letter, in which you ask to be informed "as to rights of the within petitioners in the lands occupied by them, and also as to the provisions of the pending treaty relating to these lands," I have the honor to state for your information that the settlers in question have no rights whatever in said lands. This fact has so often been communicated to the settlers on said lands that it would seem that it must long ago have been well understood that such settlers were trespassers, and liable to be dealt with according to law as trespassers upon Indian lands.

In regard to the provisions relating to the lands in question contained in the treaty with the Shawnees, signed March 4, 1867, now pending before the United States Senate, you are informed that the sixth article thereof provides that such of the lands in question as may not be selected in severalty by the members of Black Bob's band who may elect to remain on the lands so selected and become citizens of the United States, shall, after being appraised, be sold in the manner provided in the fourth article of said treaty for the sale of the absentee lands, which is as follows, viz: "The land set apart by the second article of the Shawnee treaty of 1854 for absentee Shawnees, and not already allotted, shall be appraised at not less than two dollars and fifty cents per acre, by three appraisers to be appointed by the Commissioner of Indian Affairs, one of whom shall be designated by the Shawnee council and another by the absentee Shawnees through their agent; and after such appraisal,

said lands shall be sold, upon sealed bids invited by the Commissioner of Indian Affairs, at not less than their appraised value; provided that such persons as are residing upon said absentee lands at the date of the signing of this treaty, and have made improvements thereon, shall have the right to purchase the tracts upon which they reside, or have made improvements, in quantities not exceeding one hundred and sixty acres in contiguous legal subdivisions, by paying the appraised value of said lands at any time within ninety days after notice is published by the Commissioner of Indian Affairs of the approval of the appraisal, and filing a copy of the same at the agency of the tribe; and after said ninety days, the absentee lands remaining unsold, with the improvements thereon, shall be sold to the highest bidder for cash at not less than the appraised value, upon sealed bids, as above mentioned; provided that in all cases improvements shall be separately appraised, and the amount for which such improvements shall be sold shall be paid to the person who has made them.

The treaty of 1854 contemplated selections in severalty to the members of Black Bob's band, and the issuance of patents therefor, whenever the members of said band should so desire, and under that provision selections of two hundred acres each were made to sixty-nine persons, for which patents have been issued during the present year; but on certain representations made to this office, Agent Taylor was on the 13th instant directed to withhold the same and recall any that had been delivered.

The sixth article of the treaty now before the Senate authorizes selections of lands in severalty out of the tract in question by the members of Black Bob's band, and the second article thereof contemplates that it shall be optional with the Shawnees to remove south or remain in Kansas and become citizens of the United States, in which last case it is provided that they may retain their selections, and on becoming citizens at any time within five years after the ratification of said treaty and filing the evidence thereof in this office, all restrictions upon the sale of their selections shall be removed.

I return herewith the petition and the letter to you from Mr. Meek.

Very respectfully, your obedient servant,

CHARLES E. MIX,
Acting Commissioner.

Hon. SIDNEY CLARKE,
House of Representatives.

BLACK BOB RESERVATION,
Johnson County, Kansas, January 15, 1868.

SIR: I have the honor to inclose for your perusal a copy of a letter written by your predecessor to the representative in Congress from this State, and to call your attention to that portion relating to the rights of settlers on this reservation.

I am one of two hundred settlers that located on this land in the full belief that it was about to pass into the hands of the general government in such a way that we should find no difficulty in purchasing at a fair price. In this belief, we settled here from the most honorable motives, for the sole purpose of securing homes for our families, and, with an eye single to this end, have made all the improvements necessary for their comfort that our limited means would allow. At the time we set-

tled here, the reservation had been vacated by the Indians some four or five years, and had been treated away as we fully believed. We are not, therefore, trespassers so far as the intention is concerned, nor do we now seek to do the Indian any injustice; but stand ready and willing now, as heretofore, to pay a fair price for the land. We are informed, however, that this right has been denied us, and that patents or head-rights are being issued to the Indians in severalty, which gives the Indians and the few men controlling them complete possession of our improvements, and places us entirely at their mercy.

To ascertain whether head-rights have been issued, and to learn whether the settlers on this land have any rights or claims that the government will respect, is my object in writing. Nine-tenths of us were induced to settle here by the encouraging letter from Commissioner Cooley, in whose judgment, knowledge, and good faith we placed the most implicit confidence. Upon the assurances of his letter our labor and our means have been lavished upon this land, in the full belief that the government would speedily extinguish the Indian title by a treaty that contained a just provision for our interests.

We shall deem it an act of kindness if you can free us from all suspense by informing us in detail, and with particularity, as to what we may expect, whether from treaties or from head-rights. If head-rights issue, how we are to proceed to secure title, and what constitutes a perfect title under that system.

Most respectfully, your obedient servant,

THOMAS S. SLAUGHTER.

Post Office address, Kansas City, Missouri.

COMMISSIONER OF INDIAN AFFAIRS, *Washington, D. C.*

OFFICE INDIAN AFFAIRS,
Washington, D. C., January 20, 1866.

SIR: In relation to the petition of the settlers on the absentee Shawnee lands, accompanying a letter from William Nichols, left by you at this office on the 19th instant, you are informed that a similar petition has been received at this office, and that the petitioners, by letter of this date, have been informed that, by a treaty recently negotiated with the Black Bob band of the Shawnee tribe, what is deemed a just provision has been made for the protection of their rights upon payment of a fair price for the lands occupied by them respectively, and that a similar provision will be made in negotiations which may hereafter be made with the remaining portion of the tribe.

Very respectfully, your obedient servant,

D. N. COOLEY,
Commissioner.

Hon. SIDNEY CLARKE,
House of Representatives.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Atchison, Kansas, January 16, 1868.

SIR: I have the honor herewith to transmit a letter from Agent Abbott of the 11th instant, in relation to a treaty said to have been made recently with the Shawnees and Black Bob's band of Shawnees.

The remarks made by the agent meet my approval, and I suggest with him that the said treaty be referred back to the Shawnee tribe for their approval or disapproval before it is submitted to the Senate for ratification.

Very respectfully, your obedient servant,

THOS. MURPHY,
Superintendent of Indian Affairs.

Hon. D. N. COOLEY,
Commissioner of Indian Affairs, Washington, D. C.

SHAWNEE AGENCY,
January 11, 1868.

SIR: I noticed in the Lawrence Tribune a telegram stating that a treaty had been made with the Shawnees and Black Bobs by which the land set apart for the said Black Bob band had been ceded to the United States.

By this telegram I infer that the delegation, consisting of an adopted member of the Wyandott tribe, a member of the Shawnee tribe holding his land in severalty, three refugee Indians from the Indian country, and *one* member of the Black Bob settlement, had been received, and recognized by the department as having full power to treat with reference to the land set apart under the treaty of 1854, for said settlement, and that the department had treated with the said delegation notwithstanding nearly all the members of the said band or settlement who now reside within the limits of this agency had protested against the reception of said delegation by the department, giving as reasons that they had appointed no persons as delegates, attorneys or agents, for any such purpose.

The protest was forwarded to the department by me at their request.

While I am fully of the opinion that the interest of the band will be subserved by the disposing of their land, I am just as fully of the opinion that they should be parties to the transaction; and would, therefore, respectfully suggest that the said treaty be referred to the members of the said band for their approval or disapproval before it is submitted to the Senate for ratification.

Very respectfully, your obedient servant,

JAS. B. ABBOTT,
United States Agent.

Colonel THOMAS MURPHY,
Superintendent Indian Affairs, Atchison, Kansas.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Atchison, January 29, 1868.

SIR: Referring to your letter of the 10th instant, directing me to proceed in person to the Black Rob reservation and hold a council with the Black Bob band of Shawnee Indians to ascertain their wishes relative to their lands, treaty, &c., and after those Indians had selected a delegation of two of their number to proceed with them and an interpreter to Washington City, I have to report that on the 20th instant I met a portion of the Black Bob band of Shawnee Indians in council, and informed them that my business with them was important, and that I de-

sired all of the Black Bobs, or Missouri Shawnees, on the reserve, should be present and take part in the council, and to afford ample time to notify all of this fact, I adjourned the council until the morning of the 21st instant. I met these Indians in council the next day at the appointed time.

They informed me that every Black Bob Indian on the reserve was present, except two who were sick and unable to attend.

I permitted no parties to remain in the council room except those Black Bobs, the interpreter, their agent, and my clerk. I was particular to have everything connected with their affairs explained to them.

The council lasted about four hours, and I herewith inclose a report of the same, which is very full and will explain itself.

You can rely on it as being a fair expression of the views and sentiments of those Indians relative to their affairs, free from any outside influence.

Very respectfully, your obedient servant,

THOS. MURPHY,
Superintendent Indian Affairs.

HON. CHARLES E. MIX,
Acting Commissioner, Washington, D. C.

Minutes of a council held January 21, 1868, on the Shawnee reserve, by Thomas Murphy, superintendent Indian affairs, with members of the Black Bob band of Shawnees.

Superintendent Murphy informed the Shawnees that the business to be transacted in council had reference only to the Black Bob band of Shawnee Indians, and in order that the members of such band of Indians should have full and free opportunity of stating their wants and desires, free from any outside influence, he requested that all present who were not Black Bobs should leave the room, and stated that with a view of having what he said to the Indians, and what they said to him, fairly and honestly interpreted, he would retain in the council-room Charles Bluejacket, the former interpreter of the Shawnees; Dudley Tucker, the newly-appointed interpreter; and Henry Tiblow, a Delaware Indian, who understands the Shawnee language, and in whom the Black Bobs appear to have great confidence; and he directed that while one was interpreting the other two should listen attentively, and if any omissions were made, to supply the same.

The room being cleared of all except the Black Bobs and the interpreters, the superintendent informed them that their great father, the Commissioner, had sent him among them for the purpose of ascertaining their wishes in reference to treaty matters, land, &c.; and to enable them to understand what had been sent up to Washington, as petitions coming from them, he would read and have plainly interpreted to them a certain petition and memorial purporting to have been signed by them.

Whereupon he read the petition addressed to the Hon. N. G. Taylor, Commissioner, &c., and after asking if they understood it thoroughly, and receiving a reply in the affirmative, Superintendent Murphy asked the following questions:

Question. State frankly to me if you know of any efforts being made to induce you to take lands in severalty, and the names of the persons making such efforts.

Answer. William Henry says he has not taken his land in severalty, and does not want to do so; does not know if any efforts are being made to induce the Shawnees to take lands in severalty; does not know personally that Abbott was trying to swindle them, but he had heard so; could not name any person who told him. It was the general talk.

Question. If Mr. Henry does not know these things, perhaps there are others among you who do. I put the same question to all present, and if any one can furnish the desired information let him do so frankly.

Answer. Several spoke up and said that of their own knowledge they knew nothing about efforts being made to induce them to take their lands in severalty, and as to Abbott's swindling them they only knew it from rumor.

Question. Are there any present who have made selections?

Answer. There are several present who have done so.

Question. Did you make these selections of your own free will and accord, or were you influenced to do so? and if so, state by whom.

Answer. They replied that they had made these selections of their own choice, and were influenced by no one to do so.

Question. Do you know where your respective selections lie?

Answer. Yes; we all know where our selections lie.

Question. Are those lands selected in a body, or have they been selected from the best lands all over the reserve?

Answer. Mr. Fox says the first selections were made in a body from the west side of the reserve. Billy Wolf says they commenced making their selections last fall, and took them in a body from the northeast side of reserve, running to the Missouri line.

Question. Is it your desire to have the patents withdrawn, the sales set aside, and the lands placed back in common again?

Answer. We do wish the patents withdrawn, and hope our selections will remain as they are. While the land remained in common it was of no use to us; as it is now, it is ours, and we are anxious to have it remain so. On account of poverty and destitution among our people, many have been compelled to sell part of their selections. The money has been of great benefit to our people, and we want these sales confirmed by the government.

Superintendent Murphy here read the names attached to the petition sent, and then put the question:

Question. Did you sign this petition?

Answer. Yes, we did.

Question. Are all of these signers Black Bob Indians?

Answer. No; Henry Dougherty is a severalty Indian, Billy Dick is a Cowskin Shawnee, Billy Gibson is an absentee Shawnee, and Pah-mah-pe-a-see is a Black Bob woman.

Superintendent Murphy had then read and fully explained to them the memorial to Congress, asking that certain laws therein named be passed, and then put the question:

Question. Have you asked Congress for the passage of such a law as is named in this paper, and is it your desire that such a law should be passed?

Answer. Billy Wolf says one of the reasons which induced him to take his lands in severalty was that he was afraid that such a law as the above would be passed, and then the Shawnee nation would become responsible and compelled to pay old debts which they did not owe, and says he knows nothing about the memorial just read. Jim Jacobs says he signed a paper something similar to the one just read, but did

not know that he was asking for such a law, and now that it has been fully explained to him, he is opposed to it, and does not want any such law passed. William Henry says he heard of some paper having been sent, but did not know the purport or intent of it. William Scarrett said he knew of the paper having been sent, and signed it, but did not understand it then, as explained by the interpreter now. If he had known what it was, he would not have signed it; don't want such a law.

Question. Are the Indians whose names are signed to this memorial Black Bob Indians, and counselors for your band?

Answer. They are not. Some of them are Missouri Shawnees, or Black Bobs. Jack Rogers, Jim Tiblow, Paschal Fish, and Little Tom Captain are severalty Indians. Jim Jacobs wanted me to distinctly understand that he knew but very little about these papers, and now that he understood them, he was opposed to them; and said further, that he wanted the absentee lands sold by the government for the sole use and benefit of the absentee Indians; that it was his desire this should be done the same as though these absentees had returned within the time specified in the treaty of 1854. Billy Wolf said that this was his wish, that it had been talked over among themselves, and that he believed it to be the desire of all the Black Bob band. All present so expressed themselves.

Superintendent Murphy then stated that if they had any suggestions to make or questions to ask, he would be glad to hear and answer them as best he could. They having nothing to say, he informed them that in order that they might be fairly represented at Washington this winter, the Commissioner had decided to permit a delegation of two of their number to go to Washington; that they should be Black Bob Indians; that they should select their best representative men, and that he himself would take them to Washington, and that they could proceed to select them in their usual way; whereupon they went into an election for said delegates.

John Blackfeather was nominated and unanimously elected. Billy Wolf and Jim Jacobs were nominated. Wolf was chosen the second delegate, he having received thirteen votes and Jacobs but seven.

Jim Jacobs thought it would be fair to send William Henry as a third delegate, and requested that he be permitted to go.

Superintendent Murphy informed him that his instructions limited the number to two, and that he could take no more.

Superintendent Murphy then gave them some good advice, telling the delegates chosen to confer freely with their people during the next ten days, and ascertain fully what they desired in relation to their lands, and what changes, if any, they wished in their pending treaty; after which the council adjourned.

Before the Indians left, at the request of Agent Taylor, the superintendent inquired if Agent Taylor had in any manner influenced them to make selections.

Billy Wolf replied that he thought that Agent Taylor was a good agent, and that, so far as he knew, he had not asked them to make selections; and so said the rest. They further said that he never influenced or advised them to sell their lands, either before or after the receipt of their patents; that when they wished to sell, and found a purchaser, they brought him to the agent, and that what land they sold was for the purpose of buying provisions for their families.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 14, 1868.

SIR: I have the honor to acknowledge the receipt, by reference from you, of a letter to yourself from George W. Morgan, esq., dated the 26th ultimo, asking if patents have been issued to members of Black Bob's band of Shawnee Indians for lands selected for them under the Shawnee treaty of 1854; if there are any provisions for settlers upon the Black Bob tract; and if said settlers are safe in purchasing any of the lands within said tract from Agent Taylor; upon which you direct a report from this office.

In reply you are informed that on the 14th of May last this office reported to you a list containing selections of two hundred acres for each of sixty-nine members of Black Bob's band, said list having been transmitted to this office by late Agent Abbott, bearing thereon the recommendation of the Shawnee chiefs that patents should be issued to the parties named for the selections indicated in said list.

Patents were subsequently issued and forwarded by the General Land Office to this office, and upon the verbal request of the Hon. Sidney Clarke, of the House of Representatives, the same were, on the 20th of July last, transmitted to him for delivery to Agent Taylor. Subsequently, it having been represented to this office by certain members of Black Bob's band that fraud existed in regard to the selections contained in late Agent Abbott's list, Agent Taylor was, on the 13th of December last, directed by telegram to recall such patents as had been delivered, and to retain them, with those undelivered, until further orders; the receipt of which telegram was acknowledged by him on the 28th of December last. On the 10th of January last the matter was referred to Superintendent Murphy for investigation and report. The report of that officer has just been received, but I have not had time to peruse the same. The treaty of 1854 contains no provisions under which settlers upon the lands in question can acquire rights thereon, but the Shawnee treaty now pending before the Senate contains a liberal provision for such settlers.

Agent Taylor has no authority to dispose of any of the Shawnee Indian lands, nor has this office any knowledge of his attempting to do so. I return Mr. Morgan's letter herewith.

Very respectfully, your obedient servant,

N. G. TAYLOR,
Commissioner.

Hon. O. H. BROWNING,
Secretary of the Interior.

WASHINGTON CITY, D. C., *February 15, 1868.*

SIR: Colonel Murphy stated in our interview with you the other day that the debts referred to in the Shawnee memorial to Congress would probably absorb the moneys received for the sale of the Shawnee lands held in common, and he therefore thought it better that the Indians should take their lands in severalty. I understand he made the same remark to the Indians in council. That you may understand the force of this argument, I respectfully refer you to a list of these debts, dated January 4, 1866, and filed in your office September 20, 1866. These debts are nearly all due to Indians, and many of them contracted before

I had anything to do with their business. I believe they are all, with one or two exceptions, for money borrowed to enable them to defend or protect their interests and rights.

Very respectfully, your obedient servant,

ABELARD GUTHRIE.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs.

I should have stated that the lands above referred to, if sold for their market value, will bring about five hundred and fifty thousand dollars.
A. G.

WASHINGTON, D. C., *February 15, 1868.*

DEAR SIR: I inclose to you a letter from some men in Kansas. I do not know how to answer it. Will you please send me some sort of an answer that I can send to them?

Please return the letter. These men are honest, ignorant men.

With great respect, I am, very truly, yours,

S. M. CULLOM,

Hon. JOSEPH WILSON,
Commissioner Land Office.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
February 18, 1868.

SIR: I have the honor to inclose herewith, for such action as you may deem proper, a letter of the 15th instant, from Hon. S. M. Cullom, inclosing one from certain parties in Kansas City, Missouri, dated 31st ultimo, asking information relative to the rights of members of the Black Bob settlement to certain lands in Kansas. I have informed Mr. Cullom of this reference.

Very respectfully, your obedient servant,

JOS. S. WILSON,
Commissioner.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
March 3, 1868.

SIR: The General Land Office having referred to this office the letter to yourself from James and David Shreer, dated at Kansas City, Missouri, January 31, 1868, asking for certain information in regard to the lands set apart for Black Bob's band of Shawnee Indians under the Shawnee treaty of 1854, I have the honor to inform you that the treaty in question confers no rights whatever upon settlers upon said tract. Selections in severalty have been made for a portion of the members of said band, and patents therefor have been issued, but the delivery of the same has been withheld. Those patents restrict the patentee from dis.

posing of any portion of his or her land, except with the permission of the Secretary of the Interior. I return the letter of the Messrs. Shreer herewith.

Very respectfully, your obedient servant,

N. G. TAYLOR,
Commissioner.

Hon. S. M. CULLOM,
House of Representatives.

WASHINGTON CITY, D. C., *March 16, 1868.*

SIR: I understand it has been represented to you that I wanted a patent for my share of Black Bob's reserve. This is untrue. I prefer to hold the reserve in common, and so do nearly all Black Bob's people, though some men have tried very hard to get them to take selections in severalty. I was present last fall when Dudley Tucker, the United States interpreter for the Shawnees, told James B. Abbott, our late agent, that he, Tucker, had persuaded thirty of Black Bob's people to agree to take the patents which had been issued, and Abbott paid Tucker five dollars for each person he had so persuaded for his services. I never heard that any of Black Bob's people applied to have patents issued for their shares of the reserve, nor do I believe any of them ever made such application. Very few of them even now want to take their patents. Nearly all of us prefer to hold our land in common, and to make a treaty giving the government authority to sell the land for the best price it will bring, and to divide the money equally among us. I hope, therefore, you will not allow the patents to be given out; but if the government insists on them taking the patents, many of my people no doubt will take them, for they all want to please the government. But I hope you will not do this.

Respectfully, your friend,

BILLY ^{his} + WOLF,
_{mark.}
Shawnee Chief and Delegate.

Witness and interpreter:

PASCHAL FISH.

COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
March 21, 1868.

SIR: I inclose herewith, for your information and for a report thereon, a copy of a letter from Billy Wolf, in relation to the issuance of patents to members of Black Bob's band of Shawnee Indians, and complaining of improper conduct on the part of Dudley Tucker, United States interpreter for said Indians, and late Agent Abbott, in persuading members of said band to take patents for their lands.

As you are supposed to be familiar with the matter of issuing patents to the members of Black Bob's band, and Billy Wolf and the Shawnee

council being present in the city, the matter is referred to you for examination and report.

Very respectfully,

N. G. TAYLOR,
Commissioner.

THOMAS MURPHY, Esq.,
Superintendent Indian Affairs, Present.

WASHINGTON, D. C., *March 30, 1868.*

SIR: I inclose for your examination and approval an account for services for those Shawnees who hold lands in common. I did not seek the business of these Shawnees, but since I have been in their service have endeavored faithfully to carry out their wishes and to protect their interests—a most thankless undertaking when so many influences are to be resisted in their behalf.

The thirteen hundred dollars on which I claim a percentage must have been in possession of the government over twenty years, and it is not probable it would ever have been discovered but for my instrumentality.

Very respectfully, yours,

ABELARD GUTHRIE.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs.

Governor Shannon, attorney for the other party, received \$1,200; and Mr. Fish, his expenses. A. G.

WASHINGTON CITY, D. C., *March 30, 1868.*

SIR: In regard to the issuance of patents for severalty selections within the Shawnee reserve, known as Black Bob's, permit me to submit for your consideration the following reasons why said patents should be recalled and canceled:

1. They were issued upon false information, the patentees never having applied to have their lands patented in severalty.

2. According to the fourth article of the treaty of 1854, which says "those of the Shawnees who may elect to live in common shall hereafter be permitted, if they so desire, to make separate selections within the bounds of the tract which may have been assigned to them in common," the whole community, or certainly much the larger portion thereof, would first have to signify their desire "to make separate selections" before it could be legally done, for they are only spoken of as a whole in this article of the treaty, otherwise it would not have been necessary to provide, as is done in article second, that the lands to be held in common must be "in a compact body." The object in holding the lands in common and in a "compact body," was evidently to keep the whites from among them, and to perpetuate, undisturbed, their usages and customs, and this design could not have been accomplished if one, or two, or a few had been permitted to make separate selections, for then the *patentee* could sell his land and introduce a foreign element into the community, thus defeating the object of the treaty which the Indians had so much at heart.

3. Nor were the conditions of the treaty complied with in the manner

of issuing these patents, for article four provides that "such selections shall be made, in all respects, in conformity with the rule herein provided to govern those who shall, in the first instance, make separate selections." Now, this rule requires that a quantity equal to two hundred acres for each member of a family shall be assigned to the head of a family, and the patents were issued accordingly; whereas, I am informed, in the case of Black Bob's people a patent has been issued to each member of the family for the two hundred acres, so that the head of the family has only the same quantity assigned and patented to him that is assigned and patented to the members of his family respectively. This is certainly not in accordance with the requirements of the treaty.

I respectfully ask that these questions be submitted to the Attorney General for his opinion.

Very respectfully, your obedient servant,

ABELARD GUTHRIE,

Advisory Friend of the Shawnees interested.

Hon. N. G. TAYLOR,

Commissioner of Indian Affairs.

WASHINGTON, D. C., March 31, 1868.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st instant, inclosing one from Billy Wolf on the subject of the issue of patents to the members of the Black Bob band of Shawnee Indians for selections of lands made by them on the Black Bob reservation in Kansas, and requesting that I examine and report on the same.

In compliance therewith I would respectfully refer you to my report of the proceedings of a council held with the Black Bob band of Indians on their reservation, which report is dated January 29, 1868, and from which it will be seen that this same Billy Wolf was present and acted as the principal speaker of the Black Bobs. At that council every Black Bob on the reserve was present except two, who were sick. I had three interpreters present, and what Billy Wolf said was written down at the time in precisely the same words it was interpreted. He, Wolfe, said then that he had made his selections without being influenced by any person; that he wanted the selections confirmed, and hoped patents would issue for them; the others said the same in relation to their selections. At that council Billy Wolf was elected a delegate to represent the Black Bobs here; he has been present at all the meetings where the amendments to the Shawnee treaty had been discussed; the whole treaty had time and again been explained to him, and he expressed himself entirely satisfied with all of its provisions.

The Shawnee delegates and interpreter left for their homes in Kansas on the 14th instant, for some cause unknown. When they were ready to start Billy Wolf could not be found; he turned up the next day in the company of Abelard Guthrie and Paschal Fish, and then, for the first time, it is ascertained that he is opposed to some of the provisions of the Shawnee treaty.

I submit that, under such circumstances, and in the absence of the Shawnee delegation and interpreter, it is unfair to permit any statement coming from that source to influence the department against any of the provisions of the pending Shawnee treaty.

As to the statement alleged to have taken place between Dudley Tucker and James B. Abbott, relative to persuasion being used by the former to induce the Black Bobs to make selections of lands, I have only

to say that I put that question directly to the Black Bobs in council, and their reply was as stated in the report before alluded to, and Dudley Tucker swears on his oath he knew of no influence being used to induce those Indians to take lands in severalty. See my report relative to charges preferred against Agent Taylor.

Very respectfully, your obedient servant,

THOS. MURPHY,
Superintendent Indian Affairs.

Hon. N. G. TAYLOR,
Commissioner, Present.

WASHINGTON, D. C., *July 30, 1868.*

SIR: The Senate having failed to ratify the Shawnee treaty, in which, I understand, an amendment had been made legalizing the issuance of the patents to those entitled to lands in Black Bob's reserve, so-called, I ask, on behalf of the Shawnees interested, that the patents now be recalled and canceled. Their continuance at the agency only subjects the Indians to the persistent importunities of speculators to have them take the patents and sell the lands. It has already been shown to you what means are employed to accomplish this design; that the United States interpreter was employed at the rate of five dollars a head to induce these people to take the patents thus illegally issued, which I trust is sufficient to convince you of the impropriety, if nothing more, of leaving this temptation to rascality at the Shawnee agency.

Very respectfully, your obedient servant,

ABELARD GUTHRIE.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs.

WASHINGTON, D. C., *August 8, 1868.*

SIR: I herewith transmit deeds of conveyance (twenty-five in number) executed by members of the Shawnee tribe of Indians to one J. C. Irwin, of Leavenworth, Kansas.

I respectfully ask that said deeds be approved in accordance with existing laws and regulations.

Respectfully, your obedient servant,

JAS. G. BLUNT.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs.

MILFORD, KANSAS, *August 14, 1868.*

SIR: I have written to make inquiry concerning certain lands in Johnson County, Kansas, generally known as the Black Bob tract of Shawnee lands. A treaty was negotiated and ratified for these lands some two years ago, and although I have made diligent inquiry (not knowing the proper person to apply to) I can find out nothing concerning them.

What I wish to know is, are these lands open for settlement or to purchase, and who is the proper person to apply to?

An answer will be esteemed a great favor.

Very respectfully, your obedient servant,

HENRY E. STODDARD,

Milford, Riley County, Kansas.

SECRETARY OF INTERIOR,

Washington, D. C.

DEPARTMENT OF THE INTERIOR,

August 27, 1868.

Respectfully referred to the Commissioner of Indian Affairs.

JOHN C. COX, *Chief Clerk.*

WASHINGTON, D. C., *August 16, 1868.*

SIR: Having already laid before you my reasons for asking that the patents for lands within the Black Bob (Shawnee) reserve be recalled and canceled, I now respectfully protest against the approval of any sales alleged to have been made of lands within said reserve. I understand some of these lands have been sold by parties to whom patents were issued, and that the deeds have been transmitted to you for your approval. That an Indian agent should have taken upon himself the responsibility of certifying to the correctness of such sales, and to ask your approval of the same, when he knew the Indians had no title to the lands, (for they could have none until the patents were issued and delivered in accordance with the provisions of the treaty,) is conclusive evidence of his unfitness for the office he holds. Some of these lands are worth twenty dollars an acre; other tracts, perhaps, not over five dollars; but would average ten or twelve dollars per acre.

The only equitable mode of division is to sell the lands for what they are worth and divide the money. This the Indians wish to do, but it can only be done by treaty, which I am assured they are willing and anxious to make. Any money that may have been advanced to the Indians on these pretended sales should, of course, be refunded by the Indians.

Very respectfully, your obedient servant,

ABELARD GUTHRIE,

For the Shawnees.

Hon. N. G. TAYLOR,

Commissioner of Indian Affairs.

I cordially join with Mr. Guthrie in behalf of the Indians; asking that the patents for lands be recalled and canceled, and no sales be approved.

Your obedient servant,

W. W. ROSS.

DEPARTMENT OF INTERIOR, OFFICE INDIAN AFFAIRS,

August 26, 1868.

SIR: I have received your letter of the 30th ultimo, asking, in behalf of certain Shawnee Indians, that the patents heretofore issued to mem-

bers of Black Bob's band be recalled and canceled; also your letter of the 16th instant, protesting against the approval of any sales of land alleged to have been made of lands within the Black Bob reservation.

For your information, I will state that I have this day directed Superintendent Murphy to instruct Agent Taylor to return the patents referred to to this office.

Very respectfully, your obedient servant,

CHARLES E. MIX,
Acting Commissioner.

ABELARD GUTHRIE, Esq.,
Washington, D. C.

DEPARTMENT OF INTERIOR, OFFICE INDIAN AFFAIRS,
August 26, 1868.

SIR: On the 13th of December last this office, by telegram, instructed Agent Taylor to "suspend the delivery of the sixty-nine patents for members of Black Bob's band transmitted to you [him] through the Hon. Sidney Clarke; and if any have been delivered, recall them, and retain for further orders." Mr. Abelard Guthrie having, under date of the 20th ultimo, asked, in behalf of the Shawnees' interest, that the patents referred to be recalled and canceled, you will direct Agent Taylor to return the same, through you, to this office.

Very respectfully, your obedient servant,

CHARLES E. MIX,
Acting Commissioner.

THOMAS MURPHY, Esq.,
Superintendent Indian Affairs, Atchison, Kansas.

TOPEKA, KANSAS, *September 10, 1868.*

SIR: Having had our attention called to an order lately issued by you for the return of some patents issued to members of the Shawnee tribe of Indians of the Black Bob settlement, and being confident that there is an existing state of facts not known at the department, which we respectfully desire to present, we ask that you will suspend all further action on this matter until we can fully represent all the facts in the case, as we are confident can be done, to the satisfaction of the department.

Very respectfully, &c.,

S. C. POMEROY,
United States Senator.
SIDNEY CLARKE,
Member of Congress.
E. G. ROSS,
United States Senator.

Hon. Mr. TAYLOR, *Commissioner, &c.*

OFFICE OF SHAWNEE AGENCY,
De Soto, Kansas, September 19, 1868.

SIR: Your letter of the 31st ultimo, with copy of letter, bearing date the 26th ultimo, from the honorable Acting Commissioner of Indian

Affairs, recalling the sixty-nine patents lately issued to the Black Bob Shawnee Indians, has been received, and in reply would say that I have laid the subject before the Shawnee chiefs and council, and they communicated the facts to the patentees, and a resolution or request that said patentees should decline surrendering their patents, whereupon each and every one of them positively refuses to deliver up his patent. Therefore it is utterly impossible for me to execute the order. I will in a few days forward protest now being prepared by the chiefs and council and every member proper of the Black Bob settlement, against the return and cancellation of said patents, and their reasons therefor. I herewith inclose letter from the Hons. E. G. Ross, S. C. Pomeroy, and Sidney Clarke, bearing on the above subject.

I am, very respectfully, your obedient servant,

H. L. TAYLOR,
United States Indian Agent.

Colonel THOMAS MURPHY,
Superintendent Indian Affairs, Atchison, Kansas.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Atchison, Kansas, September 30, 1868.

SIR: I have the honor herewith to transmit a letter of the 19th instant from Agent Taylor, relative to the recalling of sixty-nine patents issued to the Black Bob Shawnee Indians, and stating his inability to obtain them. Please find also, inclosed herewith, a letter of the 10th instant, signed by Senators Pomeroy and Ross and Representative Clarke, on this subject, forwarded to me by Agent Taylor.

Very respectfully, your obedient servant,

THOMAS MURPHY,
Superintendent Indian Affairs.

Hon. C. E. MIX,
*Acting Commissioner Indian Affairs,
Washington, D. C.*

*To the Senate and House of Representatives of the United States of America
in Congress assembled:*

GENTLEMEN: In view of the facts set forth in our memorials to the Senate, hereto attached, and the authority delegated to you by the twelfth article of the treaty with the Shawnees of May 10, 1854, and in conformity with the design of the fourth and fifth sections of the act making appropriations for the Indian department, approved March 3, 1863, (United States Statutes at Large, vol. 12, p. 793,) we, the representatives of the Missouri tribe of Shawnee Indians, and others associated with them, most respectfully ask you to pass a law embodying the following provisions, namely:

1. That the Shawnee Indians of Kansas who hold lands in common, including those commonly known as "absentee Shawnees," who returned and united with the tribe in time to avail themselves of the beneficial provisions of the second article of the treaty of 1854, reserving certain lands for those "Shawnees who had been for years separated from the tribe," and whose names are entered on the pay-roll of the tribe at its

last annual payment, and all others recognized by them as affiliated with them, be and the same shall constitute one tribe to whom the provisions of this act shall apply; and all the acts of said tribe thus constituted, since the passage of the act of 3d of March, 1863, above mentioned, shall be of the same force as the act of other tribes.

2. That said Shawnees have authority to purchase from the United States, or any Indian tribe within the Indian country south of Kansas, a tract of country not to exceed twenty miles square, to be selected by themselves, and at such price as has been paid by the United States, or as may be agreed upon by themselves and the tribe or tribes of whom they may purchase.

3. The lands now held in common by the Shawnees shall be appraised by two disinterested persons, one to be appointed by the Commissioner of Indian Affairs, and paid by the United States, and the other to be appointed by the Shawnee council, and paid out of the tribal funds; and such appraisement shall not average less than ten dollars per acre; nor shall any of said lands be sold for less than the appraised value. The said lands to be sold under the authority of the United States, and the proceeds of the sales, after deducting the cost of selling, and any other indebtedness of the tribe, shall be paid to those designated by the treaty of 1854, as their owners.

4. All selections of land in severalty within the reserves known as "Black Bob's reserve" and "absentee lands" to be declared illegal and void, and any patents issued therefor shall be recalled and canceled, except such selections within the "absentee lands" as were made prior to the year 1862.

5. The United States to agree to pay for the property of loyal Shawnees stolen or destroyed during the war of the rebellion.

6. The Shawnees having been driven from their homes by the rebels during the late war, and consequently suffered great hardships and privations, the United States agree to pay all such Shawnees as did not receive subsistence and clothing a sum of money equal to that expended in the support of other refugee Indians of equal number.

7. So much of the hundred thousand dollars invested as a school fund, under the third article of the treaty of 1854, as shall be necessary shall be applied to the purchase of a new home for the tribe, and the balance shall be distributed among the members thereof.

8. The lands reserved for the American Baptist Missionary Union, the Friends' Shawnee labor school, and the Shawnee agency, under the treaty of May 10, 1854, shall be disposed of by the Shawnee council, subject to the approval of the Secretary of the Interior.

10. The United States to agree to support an agent and interpreter to reside with the Shawnees. The ease with which most of our people, and, indeed, all Indians, are cheated out of their lands when patented to them in severalty, has induced the late United States agent, James B. Abbott, and others in his interest, to make extraordinary exertions to induce our people to take their lands in severalty, and they resorted to the basest frauds to accomplish their purpose, as, for example, they have made selections for several Shawnees without their knowledge or consent. To others they have made false representations to induce them to make selections, to others they have paid money, and in most, if not all instances, selections have been made by Abbott to suit his speculative designs; as, for instance, he had the land on which were the improvements of William Bob assigned in severalty to Phœbe Tudler, an old woman, from whom they bought the land. There is, indeed, no instance of voluntary selections by any of our people, and we trust that no pat-

ents will be issued for any of these lands, or if issued that they will be recalled and canceled; for, in addition to these frauds, it was understood among our people that individuals would not take lands in severalty without the general consent of the community. And we believe the fourth article and other parts of the treaty of 1854 sustain us in this view.

Very respectfully, your friends and wards,

PASCHAL FISH, first chief.

JIM JACOB, ^{his} + second chief.

JACKSON ROGERS, ^{mark.} his + mark.

WM. JEANETT, his + mark.

WM. HENRY, his + mark.

SIME TIBLOW, his + mark.

LITTLE TOM CAPTAIN, his + mark.

Counsellors of Missouri Shawnees.

BLACK BOB RESERVE, KANSAS, *November 17, 1867.*

SHAWNEE CAMP ON THE BLUE KANSAS,

October 13, 1868.

SIR: We, the undersigned members of Black Bob's band of Shawnees and absentees, want you to know how our people are imposed on and annoyed by Agent Taylor and the late agent, Abbott, through the men they employ, principally severalty Shawnees. These men want to break up our reserve that they may speculate in our lands, and for that purpose got patents issued to many of our people without their knowledge or consent. It is found that when Indians take lands in severalty it is an easy matter to get them for little or almost nothing, and already some of our people have been influenced to sell some of their lands for less than one-fourth their real value. These sales were effected by frauds, and must be illegal, and, we trust, will not be confirmed by you. And these men are all the time telling all kinds of lies to get our people to take patents and sell their lands. Now, we beg you will protect us against these robbers, and compel the agent to return the patents to you. We hear you did order the agent to do this, but that, in defiance of this order, he has sent some of the patents to different parties. We have no confidence in this Agent Taylor, and wish you would instruct Superintendent Murphy to get the patents and send them back to Washington.

Agent Taylor seems determined that he and his partner, Abbott, shall speculate in our lands whether we will agree to it or not. We beg that you will protect us against their tricks and rascality. We hear that they are getting guardians appointed by the probate courts, for the purpose of selling the lands of orphans within our reserve. We ask you to prevent this, as it is one of their plans to break up our reserve, and we deny the right of the agent and the severalty Shawnees to do this, but it shows how anxious these men are to give us trouble. Agent Taylor and Abbott are as artful as wolves, and seem never to rest in their efforts to ruin us.

We think we are entitled to your protection; we were all faithful to the government throughout its late troubles, and our young men fought in many of its battles. We are sure that interested parties have mis-

represented our case to you, or our rights and peace would not be so often invaded, and therefore we make these statements and appeal to you.

We are, truly, your friends,

JAMES JACOP, his + mark.
 JOHN PERRY, his + mark.
 WILLIAM ISCARROTT, his + mark.
 EDWARD ISCARROTT, his + mark.
 HENRY DOUHARDE, his + mark.
 GRASS, his + mark.
 JAMES WASHINGTON, his + mark.
 JOHN DAY, his + mark.
 JOHN POMSON, his + mark.
 BLACK HOG, his + mark.
 GEORGE, his + mark.
 Miss PERRY, her + mark.
 Miss BOB, her + mark.
 Miss DAY, her + mark.
 WOSEPOSE, her + mark.
 COKTHRUN, her + mark.
 ANNEY, her + mark.
 MARY, her + mark.
 PAH MA PA SE, her + mark.
 Miss HOG, her + mark.
 NARI KAH KAH ME SE, her + mark.
 DICKESON, his + mark.
 Miss DICKESON, her + mark.

Witness: PASCHAL FISH.

Hon. CHARLES E. MIX,
Acting Commissioner of Indian Affairs.

OLATHE, October 21, 1868.

DEAR SIR: Can the Black Bob band of the Shawnee tribe of Indians in Kansas sell their lands now by head-right, and will the deeds given by them be approved?

Please answer by return mail, if convenient, and oblige yours, respectfully,

B. B. FINCH.

Please address Olathe, Johnson County, Kansas.

Hon. O. H. BROWNING.

DEPARTMENT OF THE INTERIOR,
 OFFICE OF INDIAN AFFAIRS,
 Washington, D. C., October 23, 1868.

SIR: I have received your letter of the 30th ultimo, inclosing a communication to yourself from Agent Taylor, in which he states that it is impossible for him to comply with office instructions to return the patents heretofore granted to certain members of Black Bob's band of Shawnee Indians, for the reason that the holders thereof, each and all, refuse to surrender them. Also the inclosed letter from Senators Pomeroy and

Ross, and Representative Clarke, requesting a suspension of further action in the premises, until they can fully represent all of the facts in the case, which they state they can do, to the satisfaction of the department.

On the 13th of December, 1867, this office, by telegram, directed Agent Taylor to suspend the delivery of the patents in question; to recall such as had been delivered, and to return them.

To this telegram, Agent Taylor responded, under date of December 28, stating that the orders of this office would be obeyed. It now appears, from Agent Taylor's letter, that all of the patents have been delivered to the Indians, who each and all refuse to surrender the same, agreeable to the wishes of this office.

In courtesy to the honorable Senators Pomeroy and Ross, and Representative Clarke, who request a suspension of further action, until they present certain facts to the department in reference to this case, no further action will be taken at the present, except this: You will instruct Agent Taylor to inform the recusant Indians that no sales made by them of any of the lands so patented will be recognized or approved by this department, until the matter of differences are definitely and satisfactorily adjusted.

You will also direct Agent Taylor to report, through you, to this office, the dates of the delivery of the patents in question.

Very respectfully, your obedient servant,

N. G. TAYLOR,
Commissioner.

THOMAS MURPHY, Esq.,
Superintendent Indian Affairs, Atchison, Kansas.

BLACK BOB SHAWNEE RESERVE,
Kansas, November 2, 1868.

SIR: We are members of Black Bob's band of Shawnees. We did not have an opportunity of signing the remonstrance against the patents which our friends sent you a short time ago, and now wish to add our voice to theirs in asking you to take back the patents sent to some of our people. We don't want this reserve divided. When we make a treaty we want our reserve sold for all it is worth and the money divided; until that is done, we want to hold the reserve in common.

Agent Taylor and some of the severalty Shawnees in his service are all the time trying to get our people to break up our reserve, and take patents; and we understand they have sent on a petition to you to have the patents delivered, and signed the names of some of our party to it; and we hear, too, that they even signed the names of some dead people and children. We hope, therefore, you will pay no attention to their representations, but take back what patents were issued, and then make a treaty with us for the sale of all our lands, together with those belonging to the absentees, who are united with us. We hope you will hear what we say, and not disregard our wishes, for we are your friends.

JOHN TIPLow, his + mark.
MARY TOMMYKOCK, her + mark.
WILLIAM BOB, his + mark.
Miss JACKOP, her + mark.
JIM BOB, his + mark.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs.

OLATHE, November 10, 1868.

SIR: Are the Black Bob Indians of the Shawnee nation empowered to sell one-half of their patents, and will their deeds be ratified at your office? Please answer and oblige many settlers.

Yours, respectfully,

J. B. TINKER,
Olathe, Kansas.

Hon. O. H. BROWNING,
Secretary of Interior.

QUINDARO, KANSAS, November 21, 1868.

SIR: When I left Washington, a few weeks ago, an order had been issued in accordance with your directions, requiring the Shawnee agent to return to your department the patents issued to certain members of Black Bob's party of Shawnees. But it is positively asserted that, instead of returning the patents, he employed some of the severalty Shawnees to distribute them among those who are named in the patents as grantees. I can hardly believe that this agent would thus disregard the orders of your department. I know that every effort has been made by Taylor and his tools to induce, if not to compel, these people to take patents for lands within the Black Bob reserve. And every step thus taken has been a violation of the treaty of 1854.

I have in previous letters, and I think in the one signed by Major Ross and myself, stated wherein the treaty had been violated in the issuance of these patents; therefore on that subject I shall say nothing more at present, except that I omitted to state that the provisions of the treaty for the assignment of the lands had been disregarded; this assignment having been made without reference to the claims of the Indians to their improvements. The treaty requires that each Indian shall have his improvements. In this case the most valuable lands have been selected for those who would be most likely to sell for a mere nominal consideration, as if there was some understanding to this effect. I have frequently asserted that these lands will sell for an average of ten dollars per acre, and perhaps more; for there is a considerable quantity that will sell readily at twenty dollars per acre. Yet I have been told, and I believe truly, for the Indians themselves have told me, that some of those who were induced to take patents have sold for from two to three dollars per acre; what the consideration mentioned in the patents is, of course they do not know. I assert, positively, that a majority of these people have refused to take patents, nor do I believe so many as half a dozen would consent to take them if freed from the importunities and falsehoods of Agent Taylor's emissaries. And I insist that the few who might be willing to take patents have not the right to do so without the consent of the balance.

I trust you will take no action on this subject, nor your order recalling the patents, until Major Ross and myself see you. We shall start to Washington in a very few days, and see you as soon as possible. I wish you could see and understand things here as the public understands them, and as they actually exist, and I am very sure you would close the Shawnee agency in less than twenty-four hours.

Renewing my request that you will take no action on Shawnee matters until Major Ross gets to Washington,

I remain, your obedient servant,

ABELARD GUTHRIE.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs.

DE SOTO, KANSAS, *December 2, 1868.*

SIR: I have the honor to herewith transmit for your consideration a list of sixty-five selections made by members of the Black Bob settlement of Shawnee Indians, and would respectfully recommend the approval of the same.

I am, sir, very respectfully, your obedient servant,

H. L. TAYLOR,
United States Indian Agent.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs, Washington, D. C.

The names of the members of the Black Bob settlement who have made selections of land as provided in article four of the treaty of May 10, 1854; also, the description of the land selected.

Number.	Names.	Subdivisions.	Section.	Town'p.	Range.	Acres.
1	Little Tom, (deceased)	S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	7 7 7 7 7	14 14 14 14 14	24 24 24 24 24	40.00 40.00 31.50 40.00 31.70 183.20
2	We-ae-ke-guch	N. $\frac{1}{2}$ of S. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	7 7 7 18	14 14 14 14	24 24 24 24	80.00 40.00 31.90 32.00 183.90
3	Allen Tom.....	E. $\frac{1}{2}$ of N. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	18 18 18 18	14 14 14 14	24 24 24 24	80.00 32.00 40.00 32.00 184.00
4	Nah-ket-tah-het-on.....	S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ E. $\frac{1}{2}$ of N. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	18 18 19 19	14 14 14 14	24 24 24 24	40.00 32.00 80.00 32.01 184.01
5	Kat-to-wy-a-me-a-se	S. W. of N. W. $\frac{1}{4}$ E. $\frac{1}{2}$ of S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	19 19 19 19	 14	 24	32.03 80.00 32.05 32.07
6	Wah-se-ke-neh-wa-tah	N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ N. W. of S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	30 30 30 30 30	 14	 24	40.00 32.11 32.16 32.22 32.27
7	Ko-ta-wip-to	S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ E. $\frac{1}{2}$ of N. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	30 31 31 31	 14	 24	40.00 80.00 32.65 33.36
8	Now-al-wip-to.....	E. $\frac{1}{2}$ of S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	31 31 31 7	 14 14	 24 25	80.00 34.06 34.77 40.00
9	Old Possum, (deceased)	W. $\frac{1}{2}$ of S. E. $\frac{1}{4}$ N. $\frac{1}{2}$ of S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	8 11 11	 14	 24	80.00 80.00 40.00

Names of members and description of land of the Black Bob settlement, &c.—Continued.

Number.	Names.	Subdivisions.	Section.	Town'p.	Range.	Acres.
10	Mo-so-tah, (deceased)	S. $\frac{1}{2}$ of S. W. $\frac{1}{4}$	11	.....	.....	80. 00
		S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	11	.....	.....	40. 00
		N. $\frac{1}{2}$ of N. W. $\frac{1}{4}$	14	14	24	80. 00
11	The-ke-quah, (deceased)	S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	14	.....	.....	40. 00
		N. E. $\frac{1}{4}$	14	14	24	160. 00
						200. 00
12	Cha-ke-sa-noh, (deceased)	S. E. $\frac{1}{4}$	23	.....	.....	160. 00
		S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	23	14	24	40. 00
						200. 00
13	Kin-qua	N. W. $\frac{1}{4}$	26	.....	.....	160. 00
		N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	26	14	24	40. 00
						200. 00
14	La-tha-kah-na-cum-se, (deceased)	N. E. $\frac{1}{4}$	26	.....	.....	160. 00
		N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	26	14	24	40. 00
						200. 00
15	Hoh-ka-wah-cum-se-kah, or Joe Charley	S. E. $\frac{1}{4}$	12	.....	.....	160. 00
		N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	12	14	24	40. 00
						200. 00
16	The-win-na-se	E. $\frac{1}{2}$ of S. E. $\frac{1}{4}$	11	.....	.....	80. 00
		W. $\frac{1}{2}$ of S. W. $\frac{1}{4}$	12	.....	.....	80. 00
		S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	12	14	24	40. 00
						200. 00
17	Hah-tah-them-wah	N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	13	.....	.....	40. 00
		S. $\frac{1}{2}$ of N. W. $\frac{1}{4}$	13	.....	.....	80. 00
		N. $\frac{1}{2}$ of S. W. $\frac{1}{4}$	13	14	24	80. 00
						200. 00
18	Toh-nox-se-se	N. E. $\frac{1}{4}$	13	.....	.....	160. 00
		N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	13	14	24	40. 00
						200. 00
19	Kow-prow-se	S. $\frac{1}{2}$ of S. W. $\frac{1}{4}$	13	.....	.....	80. 00
		N. $\frac{1}{2}$ of S. E. $\frac{1}{4}$	13	.....	.....	80. 00
		S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	13	14	24	40. 00
						200. 00
20	Wah-wa-pe-a-se	N. E. $\frac{1}{4}$	22	.....	.....	160. 00
		S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	15	14	25	40. 00
						200. 00
21	John Williams, (deceased)	W. $\frac{1}{2}$ of N. E. $\frac{1}{4}$	24	.....	.....	80. 00
		W. $\frac{1}{2}$ of S. E. $\frac{1}{4}$	24	.....	.....	80. 00
		N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	24	14	24	40. 00
						200. 00
22	Lah-pe-the-quah, (deceased)	S. $\frac{1}{2}$ of S. W. $\frac{1}{4}$	24	14	24	80. 00
		N. $\frac{1}{2}$ of N. W. $\frac{1}{4}$	25	14	24	80. 00
		S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	25	14	24	40. 00
						200. 00

Names of members and description of land of the Black Bob settlement, &c.—Continued

Number.	Names.	Subdivisions.	Section.	Town'p.	Range.	Acres.
23	John Tecumseh.....	S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	6 6	14	25	160.00 40.00 200.00
24	We-sa-ka-lo-mah.....	N. $\frac{1}{2}$ of N. W. $\frac{1}{4}$ S. $\frac{1}{2}$ of N. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	7 5 5	14	25	80.00 80.00 40.00 200.00
25	William Henry.....	S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	7 7	14	25	160.00 40.00 200.00
26	Mo-ke-pe-a.....	N. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	18 18	14	25	160.00 40.00 200.00
27	Pel-wah-pe-a-se.....	S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	18 13	14	25 24	160.00 40.00 200.00
28	John Shawnee, (deceased).....	N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ S. $\frac{1}{2}$ of N. E. $\frac{1}{4}$ N. $\frac{1}{2}$ of S. E. $\frac{1}{4}$	18 18 18	14	25	40.00 80.00 80.00 200.00
29	Poat-sa-te.....	S. $\frac{1}{2}$ of S. E. $\frac{1}{4}$ N. $\frac{1}{2}$ of N. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	18 19 19	14	25	80.00 80.00 40.00 200.00
30	Che-pe-muck-ko, (deceased).....	S. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	19 19	14	25	160.00 40.00 200.00
31	Nah-ko-twah-cum-se, (deceased).....	S. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	19 19	14	25	160.00 40.00 200.00
32	Wm. Ellick.....	N. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	5 5	14	25	160.00 40.00 200.00
33	Jane Crossman.....	S. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	5 4	14	25	160.00 40.00 200.00
34	Ta-pe-a-se-kah, or Billy Wolf.....	N. $\frac{1}{2}$ of N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ W. $\frac{1}{2}$ of N. E. $\frac{1}{4}$	8 8 8	14	25	80.00 40.00 80.00 200.00
35	Ka-sa.....	S. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	20 20	14	25	160.00 40.00 200.00

Names of members and description of land of the Black Bob settlement, &c.—Continued.

Number.	Names.	Subdivisions.	Section.	Town'p.	Range.	Acres.
36	Henry J. Dougherty.....	N. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	4 4	14	25	158.60 40.00 198.60
37	Hoh-qua.....	E. $\frac{1}{2}$ of N. E. $\frac{1}{4}$ W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	8 9 9	14	25	80.00 80.00 40.00 200.00
38	Lon-kaw-wa-se.....	N. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	4 4	14	25	157.40 40.00 197.40
39	Me-wah-pe-a-se.....	S. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	4 4	14	25	160.00 40.00 200.00
40	James Hunter.....	N. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	9 9	14	25	160.00 40.00 200.00
41	Laura Hunter, (deceased).....	S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	3 10	14	25	160.00 40.00 200.00
42	Old Hunter, (deceased).....	W. $\frac{1}{2}$ of N. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ N. $\frac{1}{2}$ of S. E. $\frac{1}{4}$	10 10 10	14	25	80.00 40.00 80.00 200.00
43	David Wolf.....	N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ S. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ N. $\frac{1}{2}$ of N. W. $\frac{1}{4}$	3 3 3	14	25	38.40 80.00 80.00 198.40
44	Kow-wa-pe-a.....	S. $\frac{1}{2}$ of S. W. $\frac{1}{4}$ N. $\frac{1}{2}$ of N. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	3 10 10	14	25	80.00 80.00 40.00 200.00
45	Ta-tip-se-kah.....	S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ S. W. $\frac{1}{4}$	10 10	14	25	40.00 160.00 200.00
46	Hoh-la-nah-pe-a.....	N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	22 15	14	25	160.00 40.00 200.00
47	Tah-pah.....	S. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	22 27	14	25	160.00 40.00 200.00
48	Shan-a-wah-muck-ka.....	S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	22 27	14	25	160.00 40.00 200.00

Names of members and description of land of the Black Bob settlement, &c.—Continued.

Number.	Names.	Subdivisions.	Section.	Town ^p .	Range.	Acres.
49	Hoh-koh-brah, (deceased)	E. $\frac{1}{2}$ of N. E. $\frac{1}{4}$	33	.....	.....	80.00
		S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	33	.....	.....	40.00
		N. $\frac{1}{2}$ of S. E. $\frac{1}{4}$	33	14	25	80.00
						200.00
50	Little Charles	N. W. $\frac{1}{4}$	33	.....	.....	160.00
		N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	33	14	25	40.00
						200.00
51	Hoh-so-wah-pe-a-se	S. W. $\frac{1}{4}$	33	.....	.....	160.00
		S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	33	14	25	40.00
						200.00
52	Che-la-thah	S. W. $\frac{1}{4}$	34	.....	.....	160.00
		S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	33	14	25	40.00
						200.00
53	Has-kas-that	N. W. $\frac{1}{4}$	34	.....	.....	160.00
		N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	34	14	25	40.00
						200.00
54	Harriet Douglas *	W. $\frac{1}{2}$ of N. W. $\frac{1}{4}$	6	.....	.....	80.00
		N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	6	.....	.....	40.00
		N. $\frac{1}{2}$ of N. E. $\frac{1}{4}$	6	14	25	80.00
						200.00
55	(Billy) William Williams	E. $\frac{1}{2}$ of N. W. $\frac{1}{4}$	21	.....	.....	80.00
		E. $\frac{1}{2}$ of S. W. $\frac{1}{4}$	16	.....	.....	80.00
		S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	16	14	25	40.00
						200.00
56	Quah-ma-se	W. $\frac{1}{2}$ of N. E. $\frac{1}{4}$	21	.....	.....	80.00
		S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	16	.....	.....	40.00
		N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	16	.....	.....	40.00
		N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	17	14	25	40.00
						200.00
57	Ne-tah-wah-cum-se	E. $\frac{1}{2}$ of N. E. $\frac{1}{4}$	21	.....	.....	80.00
		S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	16	.....	.....	40.00
		W. $\frac{1}{2}$ of S. W. $\frac{1}{4}$	15	14	25	80.00
						200.00
58	How-we-ken-que	S. E. $\frac{1}{4}$	34	.....	.....	160.00
		S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	34	14	25	40.00
						200.00
59	Ne-pe-wa-se	N. $\frac{1}{2}$ of S. E. $\frac{1}{4}$	27	.....	.....	80.00
		S. $\frac{1}{2}$ of N. E. $\frac{1}{4}$	27	.....	.....	80.00
		N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	27	14	25	40.00
						200.00
60	Nah-koh-to-wah-pe-a	N. E. $\frac{1}{4}$	15	.....	.....	160.00
		N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	15	14	25	40.00
						200.00

* Name left off the census rolls of Black Bob by mistake. Tim-zah, (under the name of ————,) whose name is on the Black Bob rolls, made selection in the first instance and received her patent in severalty. Indian council recommend that a patent be issued to Harriet Douglas instead of Tim-zah.

Names of members and description of land of the Black Bob settlement, &c.—Continued.

Number.	Names.	Subdivisions.	Section.	Town p.	Range.	Acres.
61	John Bob	N. E. $\frac{1}{4}$	36	.....	.....	160. 00
		N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	36	14	24	40. 00
						200. 00
62	French Baptiste	S. E. $\frac{1}{4}$	34	.....	.....	160. 00
		S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	34	14	24	40. 00
						200. 00
63	Pe-ta-wah-cum-seh	N. W. $\frac{1}{4}$	36	.....	.....	160. 00
		N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	36	14	24	40. 00
						200. 00
64	Doctor Rib, (deceased)	S. W. $\frac{1}{4}$	25	.....	.....	160. 00
		S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	25	14	24	40. 00
						200. 00
65	Ho-tak-e-no-wah	N. E. $\frac{1}{4}$	35	.....	.....	160. 00
		N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	35	14	24	40. 00
						200. 00

I certify that all the foregoing described lands are within the Black Bob tract of Shawnee Indian lands, in the State of Kansas.

H. L. TAYLOR,
United States Indian Agent.

We, the undersigned chiefs and members of the Shawnee council, do hereby certify that the parties named in the foregoing list have expressed their desire to receive their lands in severalty, as provided for by the Shawnee treaty of May 10, 1854; that they are the identical persons mentioned in the census report of Black Bob band, taken under the provisions of said treaty; that the selections indicated in said list for said parties have been made with the full knowledge and consent of each and every one of said parties; and that they have requested that the patents be issued to them for the said selections.

GRAHAM ROGERS,
First Chief.

CHARLES TUCKER,
Second Chief.

MOSES ^{his} + SILOUHULS,

HENRY F. A. ROGERS,
CHARLES BLUEJACKET,
STEPHEN BLUEJACKET,

JAMES ^{his} + KIZA,

ELI ^{his} + BLACKHOOF,
_{mark.}

Witness:

S. M. CORNATZER,
Council Clerk.

Councilmen.

I hereby certify that the foregoing statement of the Shawnee chiefs and councilmen is correct.

Given under my hand this 2d day of November, A. D. 1868.

H. L. TAYLOR,
United States Indian Agent.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
March 16, 1869.

The within list of the selections for certain members of Black Bob's band of Shawnee Indians is respectfully submitted to the Secretary of the Interior for his approval and order to the General Land Office for the issuance of patents thereon.

N. G. TAYLOR, *Commissioner.*

DE SOTO, KANSAS, *December 2, 1868:*

SIR: I have the honor to herewith transmit letter addressed to me from members of the Black Bob settlement, bearing date October 28, 1868, in which they protest against the withdrawal of their patents, and request me to express my views on the subject, and in compliance with their wishes, would say that in my opinion they have honestly expressed their sentiments and stated nothing but facts, and I fully concur therein.

I am, very respectfully, your obedient servant,

H. L. TAYLOR,
United States Indian Agent.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs, Washington, D. C.

GRAND COUNCIL ON BLACK BOB RESERVATION,
October 28, 1868.

SIR: We, undersigned members of the Black Bob settlement of the Shawnee tribe of Indians, having been informed that, at the instigation of one Abelard Guthrie, claiming to act as our attorney, the Commissioner of Indian Affairs had authorized the return and cancellation of our patents, we would therefore most respectfully inform the honorable Commissioner that we have never employed the said Guthrie, or any other person whomsoever, to procure the return of our patents; but, to the contrary, having made our selections strictly in accordance with the treaty stipulations, we fully believe that we are legally entitled to patents for the same, and that when the patents are issued no person has the right to recall or cancel them without the consent of each patentee or his heirs; that such consent has never been given by any of us, nor have we ever authorized any person to give any such consent for us. And we do most solemnly declare that any person holding pretended authority from us for any such purpose is an impostor and holds such pretended authority by fraud or forgery.

And again, as heretofore, in order to prevent the continuation of such frauds, we earnestly ask that no agent or attorney claiming to represent us be recognized by the department unless his authority be signed by us, and acknowledged before the United States Indian agent, and certified by the chiefs of our tribe.

And we take this opportunity to make known our earnest desire for the speedy ratification of the Shawnee treaty, with the amendments as

suggested by the Shawnee delegation to the Indian Committee of the United States Senate at their last session.

We request that you forward this letter, or a copy of the same, to the honorable Commissioner of Indian Affairs, with your views on the subject.

BIG FOX, his + mark.

JOHNSON BLACKFEATHER, his + mark.

DAVID BLACKFEATHER, his + mark.

JAMES BLACKFEATHER, his + mark.

LEWIS COFFEE, his + mark.

FRENCH PROFIT, his + mark.

GEORGE PERRY, his + mark.

WILLIAM HUNTER, JR., his + mark.

HENRY ELLICK, his + mark.

TOM-A-HAWK, JR., his + mark.

CHE-LE-NE, his + mark.

JACOB WHEELER, his + mark.

JOHN FRANCIS, his + mark.

JOHN POSSUM, his + mark.

LITTLE CHARLY, his + mark.

GEORGE WILLIAMS, his + mark.

ON-KOH-WUTH-KAH BOB, his + mark.

MATH-THA-NA-SE BOB, his + mark.

KA-NOX-SE, his + mark.

LOT C. MACY, his + mark.

ALLEN TOM, JR., his + mark.

BETSEY PERRY, her + mark.

LEM-CO-WA-SE, his + mark.

SU-YUAH, his + mark.

MATH-KOW-A-SE, his + mark.

COFFEE GREENFEATHER, his + mark.

PHOEBE DOUGLAS, her + mark.

SAH-KA-TE-ZAH, his + mark.

WIDOW COFFEE, her + mark.

NUT-TWA-PE-A-SE,

Or HARRIET DOUGLAS, her + mark.

BILLY WILLIAMS, his + mark.

ALICE BIG FOX, her + mark.

NAH-WAH LIP-TE, his + mark.

HOS-KAS-THAT, his + mark.

CHE-LA-THAH, his + mark.

THO-WIN-NA-SE, his + mark.

LON-CO-WA-SE, his + mark.

MI-YAH-WA-PE-A-SE, his + mark.

MA-CAH-TAH-LEM-A, his + mark.

KAH-TAH-WA, his + mark.

TA-TEP-SE-KAH, his + mark.

LA-CE-PE-A-SE, his + mark.

CHA-CO-SE-NO, his + mark.

QUAH-ME-LE, his + mark.

NE TAH-WAH-CUM-SE, his + mark.

MO-KE-PE-A, his + mark.

HAH-TA-THEM-WAH, his + mark.

KA-SE-WAH-PE-A-SE, his + mark.

NE-KAH-NAH-KA-SE, his + mark.

HOH-QUA, his + mark.

WILLIAM HENRY, his + mark.

HAH-SE-WAH-PE-A-SE, his + mark.

We, the chiefs and councilmen of the Shawnee tribe of Indians of the State of Kansas, do hereby certify that at a grand council of the members of Black Bob settlement, held on the 28th day of October, 1868, on the Black Bob reservation, the subject-matter of the foregoing letter was fully discussed by the members of said council, and at its instance said letter was drawn up, and after it had been interpreted by Charles Bluejacket in our presence, and fully understood by them, the foregoing named persons signed said letter by making their marks; and we further certify, that each and every person so signing are members of the Black Bob settlement, and that from our own personal knowledge believe that the letter honestly expresses the views and wishes of all the members of said settlements who have made selection on the Black Bob reservation.

GRAHAM ROGERS, *First Chief.*

CHARLES TUCKER, *Second Chief.*

HENRY FRED ROGERS,

STEPHEN BLUEJACKET,

JAMES KIZER, his + mark,

ELI BLACKHOOF, his + mark,

MOSES SILVERHEELS, his + mark,

Councilmen.

Witness:

S. M. CORNATZER,

Council Clerk.

CHARLES BLUEJACKET.

Colonel H. L. TAYLOR,

United States Indian Agent of the Shawnees.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,

Atchison, Kansas, December 22, 1868.

SIR: I have the honor to transmit, herewith, two letters from Agent Taylor, (November 18 and December 19,) in reference to the delivery of patents to members of the Black Bob band of the Shawnee tribe of Indians. The original letter, under date of November 18, referred to by the agent, has never been received at this office.

Very respectfully, your obedient servant,

THOS. MURPHY,

Superintendent Indian Affairs.

Hon. N. G. TAYLOR,

Commissioner, Washington, D. C.

OFFICE OF SHAWNEE AGENCY,

De Soto, December 19, 1868.

SIR: I have just learned, through the Hon. J. B. Abbott, that the department has not yet received an answer to the honorable Commissioner's letter of October 23, a copy of which was transmitted by you, under date of October 30, 1868, ordering me to report the date of the delivery of the Black Bob patents. Would say that I forwarded through your office a reply, bearing date November 18, 1868, a copy of which is

herewith inclosed, with request that you submit the same to the department in lieu of the original, which may have been lost.

I am, very respectfully, your obedient servant,

H. L. TAYLOR,
United States Indian Agent.

Hon. THOMAS MURPHY,
Sup't Indian Affairs, Atchison, Kansas.

OFFICE SHAWNEE AGENCY,
De Soto, Kansas, November 18, 1868.

SIR: Your letter of October 30, with copy of letter from the honorable Commissioner of Indian Affairs, bearing date of October 23, requiring me to inform the department of the date of delivery of the Black Bob patents, has been received, and in reply would state that the patents were delivered by the Hon. J. B. Abbott, on the 24th day of August, to Graham Rogers, Charles Tucker, and the Shawnee councilmen, who came to the office on that day for the purpose of demanding of me the delivery of the patents, and I was absent, but Major Abbott, who officed with me, was at home, and the Indians stated the object of their call to him, and he states "he knew of no reason why the patents should be retained in the office, and supposed the delivery of the patents to the chiefs and councilmen of the tribe would be satisfactory to me as well as the department, and accordingly delivered the same."

In about ten days after the said delivery, the letters above referred to came to hand, and I immediately took steps to recover from the patentees (they having in the meantime received their patents,) the said patents; the result of which has heretofore been communicated to the department.

I am, very respectfully, your obedient servant,

H. L. TAYLOR,
United States Indian Agent.

Hon. THOMAS MURPHY,
Sup't Indian Affairs, Atchison, Kansas.

WASHINGTON CITY, D. C., *December 28, 1868.*

SIR: I have the honor herewith to submit, for your consideration, in behalf of the settlers on the Indian lands in Kansas, known as the Black Bob reservation, a few facts connected with their settlement on the same, and to earnestly petition, in their name, a recall and cancellation of such patents as have been issued to a few members of Black Bob's band. We are induced to make this statement and this petition in justice to ourselves, and, as we believe, in justice to the Indians.

At the close of the war for the Union, the State of Kansas attracted to her borders a large share of the emigration westward. At the very threshold of the State, this emigration found the body of lands in question entirely unoccupied; and as its location and fertility invited to settlement, it naturally attracted the attention of emigrants. One of these emigrants, a Mr. William Nichols, addressed a letter to Hon. D. A. Cooley, at the time Commissioner of Indian Affairs, requesting to be informed whether or not settlement would be permitted on these lands, and whether or not settlers would be protected by the government in its negotiations for the same. To this letter Mr. Commissioner Cooley made

reply, 2d January, 1865: "That by a treaty recently negotiated with the Black Bob band of the Shawnee Indians, what is deemed a just provision has been made for the protection of the rights of the settlers upon payment of a fair price for the lands occupied by them respectively."

The above statement of Commissioner Cooley, forwarded to the settlers through the hands of Hon. Sidney Clarke, member of Congress, in effect assured the emigration to Kansas that this reservation was about passing into the possession of the general government under treaty stipulations that protected the right of settlers thereon. It was with this encouragement, and with this understanding of our rights; from a high official source, that we settled on these lands, made our improvements, and organized our schools. Under this fair promise of protection, we have opened up a new country to civilization; we have converted a wild prairie into cultivated fields; dotted it over with school-houses and dwellings; we have lavished our labor and means, for the past three years, in its development, in the confident belief that we were laying the foundation of our future homes.

We are now placed in possession of the alarming information that we have not now, and never had, any right to settle on these lands; that no provision was ever made, in any treaty, for our protection; that we were, in fact, deceived by one whose high official position led us to repose confidence in statements having no foundation in truth; that the lands we occupy are subject, under the treaty of 1854, and to pending treaty, to division in severalty to such of the Black Bob band as may elect to have them divided; and that sixty-nine patents have actually been issued to members of the band. This statement of the case entirely changes our relations to these lands, strips us of every right, and places us at the mercy of the Indian and the bad white men controlling him.

If the pending treaty contains no provision protecting us in our rights, and if this reservation is to be disposed of under the provisions of the treaty of 1854, before the pending treaty can be amended, and action upon by the Senate, then the correct interpretation of the meaning of the fourth article of the treaty of 1854 becomes a subject of vital importance to us as well as the Indian.

We therefore beg leave, with all respect, to solemnly protest against a construction to that article that gives to a single member of the band, or to any member less than a majority, a right to divide at pleasure, to break up at will, a body of land set apart to the whole band in common; a body of land that was, to use the language of the treaty, "assigned and set off to them in a compact body." It is evident to us that the controlling and only object of the band in having a compact body of land set apart to them in common was to protect themselves against the evils of a mixed population of Indians and whites. The fourth article of the treaty, therefore, can only refer to these Indians *collectively*. It was certainly never in the contemplation of the parties to this compact to place it within the power of a few dissatisfied Indians to break up this common property at pleasure, regardless of the rights and interests of the majority of the band.

Such a construction of the fourth article of the treaty gives to the unscrupulous and dishonest men of the band the power to rob the majority of all the timber on the reservation, and the most valuable portions of the land; and that this has been the effect of this construction an investigation into the manner in which the sixty-nine patents have been located will fully demonstrate. This construction gives the minority the power to force upon the majority of the band the very evil this compact body of land was originally designed to exclude, viz: a white population.

We make the assertion, without fear of successful contradiction, that the great majority of these Indians are opposed to receiving patents, and look upon this construction of the fourth article of the treaty and the issue of these patents as fatal to the prosperity and future happiness of the band. We also make bold to assert that the majority of those who have received patents have been induced to do so from sheer stress of poverty, and not from choice.

We know positively, and our information is derived directly from the Indians of this band, that they are now, and long have been, dissatisfied with their present location; their hearts are set upon making a treaty to transfer their land, in a body, to the government; to be removed and located, under government protection, to some point south of the State of Kansas. Any representations to the contrary do these Indians criminal injustice. Knowing, as we do, that these Indians are extremely anxious for the ratification of a treaty; and feeling, as we do, that we can alone be protected in our rights as settlers by treaty guarantees, we humbly, but earnestly, pray you to suspend the further issue of patents to this band of Indians, and to recommend such amendments to the pending treaty, or such provisions in any new treaty that may be made with these Indians, as will guarantee to the settlers on these lands the right and privilege to purchase the same in the manner they have selected them.

We urge upon your consideration that, under the sixty-nine patents issued to this band, some of the most valuable improved lands of the reservation have unjustly passed from the settler into the hands of the speculator, to the great injustice and wrong of worthy, industrious, poor men. That while many settlers have one hundred and sixty acres fenced and otherwise improved, they can, under these patents, purchase one hundred acres only. That while this entire reservation is occupied by settlers, but one-half the reservation can be sold under these patents.

Believing, as we do, that these patents were issued upon a misapprehension of the wants and interests of the Indian, and owing to the deep, the vital interest we have in these lands, we respectfully lay these facts before the department, and earnestly hope and pray for a favorable consideration of our case. Without some indulgence, some consideration at the hands of the government, we are, *inevitably*, an impoverished, a ruined people.

For and in behalf of the settlers, I submit myself your obedient servant,

T. S. SLAUGHTER.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
January 15, 1869.

SIR: I have received your letter of the 28th ultimo, in relation to the settlements by the whites upon the lands held in common by the members of Black Bob's band of Shawnee Indians under the Shawnee treaty of 1854, asking that the sixty-nine patents heretofore issued to individual members of said bands be cancelled; stating that the white settlers on said lands were misled by a letter from late Commissioner Cooley to Hon. Sidney Clarke, in which letter it was stated that there was a liberal provision in the treaty between the Shawnees and the

United States, January 20, 1866, then before the United States Senate, which statement you allege was untrue, and asking that the interests of said settlers may be protected, and that no more selections in severalty by said Indians be permitted.

In reply you are informed that the selections referred to were submitted to this office by late Agent Abbott, with his recommendation, and that of the Shawnee chief, that patents be issued therefor, which was done accordingly, and the patents were duly transmitted through Hon. Sidney Clarke to Agent Taylor for delivery.

Subsequently, upon representations being made to this office that much dissatisfaction existed among the members of Black Bob's band, in consequence of the selections in severalty for certain members of said band, and the issuance of patents therefor, this office immediately thereafter, viz., on the 13th of December, 1867, directed Agent Taylor to suspend the delivery of the same, and to recall such as had been delivered, and hold the same subject to further orders from this office. Subsequently, viz., on the 19th of September last, Agent Taylor reported that the Indians refused to surrender their patents, therefore it was utterly impossible for him to comply with the order aforesaid. Upon receipt of the report aforesaid, this office wrote to Superintendent Murphy, instructing him to direct Agent Taylor to inform the Indians that until they complied with the requirement aforesaid, viz., surrendered their patents, no sales of any of the lands patented to them would be approved.

The subject of the issuance of the patents aforesaid was, on the 10th of January, 1868, referred to Superintendent Murphy for investigation and report. That officer, under date of January 29, 1868, submitted his report, accompanied by a copy of the proceedings of a council held by him with the members of Black Bob's band, from which it appears that no improper or undue influence was used to induce the Indians to select their lands in severalty, as has been charged by certain parties.

On the 2d ultimo Agent Taylor forwarded to this office a letter to himself from fifty-two members of Black Bob's band, requesting him, Agent Taylor, to write to this office, remonstrating against the cancellation of said patents—they being satisfied with what had been done in regard to the selections in severalty. This letter is indorsed by the chiefs and councilmen of the Shawnee tribe.

Other communications have been received from the Indians and other parties, representing both sides of the question, but beyond what has already been stated no other definite action has been had in the premises.

In regard to the letter to Hon. Sidney Clarke from late Commissioner Cooley, referred to by you, Mr. Cooley doubtless made an unintentional mistake. The subject of providing for the settlers upon the Black Bob tract had been freely discussed before the negotiation of the treaty of January 4, 1866, and at the date of his letter to Mr. Clarke, of the 20th of the same month, at which time the manuscript treaty was before the Senate, he, without doubt, supposed the provision referred to was contained in the treaty. This seems the more feasible for the reason that provision was made for the settlers upon the "absentee" lands in a treaty negotiated with the Shawnee anterior, and also ones subsequent, to that of January 4, 1866.

In reply to your remarks upon the proper construction of the fourth article of the treaty aforesaid, it is proper to state that in continuing the same this office was governed by the provisions of the second and fourth articles of the treaty, taken in the same connection. The second article provided "that a quantity of land equal to two hundred acres

for each person (of those who elected to hold their lands in common) may be set off and allotted them, to hold in common as aforesaid." The fourth article is as follows, viz: "Those Shawnees who elect to live in common shall hereafter be permitted, if they so desire, to make separate selections within the bounds of the tract which may have been assigned to them in common; and such selections shall be made in all respects in conformity with the rule herein provided to govern those in the first instance, who make separate selections." The rule referred to provides that "all Shawnees residing east of said parallel lines (described in the preceding paragraph) shall be entitled to, out of the residue of said two hundred thousand acres, if a single person, two hundred acres, and if the head of a family, a quantity equal to two hundred acres for each member of his or her family." The rule further provides that "the privilege of selecting lands under this provision shall extend to every head of a family," &c.

Inasmuch as the fourth article adopts the rule contained in the second article, above quoted, this department approves the selections for sixty-nine members of Black Bob's lands, and patents therefor were issued; and upon a careful examination of the treaty, I am of opinion that the construction thereof in this matter under consideration was correct.

Very, &c.,

N. G. TAYLOR,
Commissioner.

T. S. SLAUGHTER, Esq., *Present.*

WASHINGTON, D. C.,
January 18, 1869.

SIR: On behalf of J. C. Irwin, of Leavenworth, Kansas, I transmitted, in August last, to the Office of Indian Affairs, for examination and approval, twenty-five deeds executed by members of the Black Bob tribe of Shawnee Indians of Kansas to the said Irwin, for lands patented to said Indians in the early part of the year 1867, under the provisions of the fourth article of the treaty of May, 1854, and which patents are recorded in Johnson County, Kansas, wherein the land is situated. No action has yet been had, as I can learn, upon these deeds, and I am informed that in October last instructions were sent from the Commissioner of Indian Affairs to Agent Taylor "that the Indians should return their patents to the Indian Office, or the deeds executed by them would not be approved." The Indians could not be made to understand any good reason for such a procedure, and refused to surrender their patents. I deem it proper here to state that Mr. Irwin made the purchases of said land (at an average price of near four dollars per acre) upon assurances given him by officers of the Indian Department that the deeds executed by the said Indians would be a good and valid title to said land, and as said deeds have been executed in strict accordance with the rules and regulations prescribed by the department for the sale and transfer of land by Indians, I therefore respectfully request that an examination of said deeds, and an investigation of all matter pertaining to them, may be had with as little delay as possible, to the end that justice may be done Mr. Irwin and all parties concerned.

I have the honor to be, respectfully, your obedient servant,

JAS. G. BLUNT.

Hon. O. H. BROWNING,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
January 18, 1869.

Respectfully referred to the Commissioner of Indian Affairs.

JOHN C. COX,
Chief Clerk.

WASHINGTON, D. C.,
January 25, 1869.

SIR: I have a letter from Paschal Fish, chief of the Black Bob and absentee Shawnees, dated the 19th of this month, stating that the white settlers on the Black Bob Shawnee reserve have forbidden the owners of this reserve to cut timber thereon. This reserve, you will remember, was set apart for these Indians, under the treaty of 1854, as their proportion of the tribal lands; but they were driven off by the rebels during the late war, and when they returned to their lands after peace was restored they found them occupied by the whites. They were thus compelled to cut and sell their timber as the only means of subsistence, and now even this resource is denied them by these lawless squatters. Sir, I do most earnestly but respectfully insist that your department shall extend its protection to these Indians, and that an order be issued for that purpose at once. And as the present agent has shown a total disregard of the rights and interests of these people, I ask that a special agent be appointed to enforce your orders.

Very respectfully, your obedient servant,

ABELARD GUTHRIE,
Attorney for said Indians.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs.

WASHINGTON, D. C.,
January 23, 1869.

SIR: On the 28th ultimo I had the honor to call your attention to certain facts connected with the settlement of the land held in common by Black Bob's band of Shawnee Indians, and to refer to the serious evils entailed upon the white settlers upon the same under the sixty-nine patents issued to members of that band. In that communication I urged, in behalf of the settlers, the cancellation of such patents as had been issued, and a suspension of any further issue. Since the date of that communication, I have submitted to the Senate Committee on Indian Affairs an amendment to the pending treaty between the United States and the Shawnee Indians of Kansas that extends protection to these settlers, upon their paying the appraised value of the lands they respectively occupy. This amendment has received the favorable action of the committee and been reported to the Senate with the recommendation that it be incorporated in the treaty. I have good reason to believe that it will be favorably acted upon at an early day. I make mention of this fact as an additional reason why the further issue of patents should be stopped.

In case the department determines to approve the sales already made, I desire now to repeat, with emphasis, that under the sixty-nine patents referred to, some of the most valuably improved lands have passed into the hands of speculators, without any opportunity whatever having been given the settlers upon the same to purchase—without any notification to them that patents had been issued. Inasmuch as deeds under these

patents require the approval of the Secretary of the Interior before they give any vested rights to the purchasers, I respectfully ask that the approval of the Secretary be *withheld from all deeds other than settlers*, making it, however, a condition to this protection that the settlers pay to the Indians the same consideration agreed to be paid, or paid, by any other party. There can be no innocent parties to the purchase of these lands, as each patent contains a distinct and emphatic warning to each and every purchaser that no deed from an Indian is a legal instrument of conveyance until after it has received the approval of the Secretary of the Interior. This leaves the power in the hands of the Secretary to protect the settler without doing any injustice to the Indians. The Indians and the settlers being the only parties justly interested in these lands, I submit that all action regarding them should wait the notification of the pending or some other treaty protecting the settlers upon these lands. We submit that the good faith of the department is pledged to this course by Commissioner Cooley's letter of 20th January, 1866.

I have the honor to be, most respectfully, your obedient servant,

T. S. SLAUGHTER,

For the settlers.

Hon. N. G. TAYLOR,

Commissioner of Indian Affairs.

We respectfully refer this letter to the honorable Commissioner, trusting that it will receive his favorable and early attention.

S. C. POMEROY.

E. G. ROSS.

WASHINGTON CITY, D. C., *February 6, 1869.*

SIR: On the 20th day of January, 1866, Hon. D. A. Cooley, in a letter to Hon. Sidney Clarke, (on file in the office of the Commissioner of Indian Affairs,) in answer to the petition of settlers on the lands set apart in common to Black Bob's band of Shawnee Indians of Kansas, said:

"That, by a treaty recently negotiated with the Black Bob band of the Shawnee tribe, what is deemed a just provision has been made for the protection of the rights of the settlers upon payment of a fair price for the land occupied by them respectively, and that a similar provision will be made in any arrangement which may hereafter be made."

The settlers on these lands accepted the above as an *official assurance* of government protection. At the date of Mr. Cooley's letter not over twenty families had settled upon these lands; but since that date, and because of the positive assurance of protection from an officer of the bureau having the immediate control of the subject, every quarter section of said land has been settled upon and improved, costly dwellings have been erected, schools organized, large orchards planted, and thousands of acres fenced and put under cultivation. These and other improvements have cost the settlers an aggregate of not less than \$200,000, and constitute at this time the entire dependence of a thousand people. They were made on the faith of a recognized right to settle upon the said lands, and without objection from any source; they were made by men who honorably served in the late Union army—by hands that assisted in saving the national life.

Under the sixty-nine patents issued to members of Black Bob's band some of the most valuably improved lands of settlers have been sold to speculators without any notice to the settlers that patents had issued, or any opportunity given them to purchase. If these sales are approved

and the issue of patents to the Indians continued, we are an impoverished and ruined people. I therefore most respectfully but most earnestly pray you, in behalf of the settlers upon these lands, not to approve the sales made to speculators, and to suspend entirely the issue of patents, to the end that said land may be disposed of by treaty, in such manner as will protect us in the right to acquire title to the lands we have respectively improved under encouragement of the Indian Bureau.

While we claim no legal right by virtue of the assurance given us by Commissioner Cooley, we do claim that by reason thereof the government is morally bound to protect us.

In behalf of the settlers, I have the honor to be your obedient servant,
T. S. SLAUGHTER.

Hon. O. H. BROWNING,
Secretary of the Interior.

FEBRUARY 8, 1869.

Action: Respectfully referred to the Commissioner of Indian Affairs for consideration and report.

JOHN C. COX,
Chief Clerk.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
February 6, 1869.

SIR: I inclose herewith a copy of a letter to this office from Abelard Guthrie, dated January 25, 1869, claiming to be the attorney for Black Bob's band, and of the absentee Shawnee Indians, stating that he has a letter from Paschal Fish, chief of said Indians, "stating that the white settlers on the Black Bob Shawnee reserve have forbidden the owners of this reserve to cut timber thereon," and asking that this department extend its protection to said Indians.

You will refer this matter to Agent Taylor, and instruct him to take the necessary steps for the protection of the rights of the Indians against the unlawful encroachments of all persons whomsoever, and to report thereon through you to this office.

Very, &c.,

N. G. TAYLOR,
Commissioner.

THOS. MURPHY,
Superintendent of Indian Affairs, Present.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 13, 1869.

SIR: I inclose herewith a petition of Thomas S. Slaughter in behalf of settlers on Shawnee Indian lands in Kansas, praying for suspension of the patent to be issued to "Black Bob's band," which has been referred to the department by the President, and request that you will report the facts in the case to me, that I may lay them before him. A return of the petition is requested.

Very respectfully,

O. H. BROWNING,
Secretary.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs.

BOYLE'S HOTEL, *Washington, D. C.*

Your memorialist, for and in the name of a thousand settlers upon the Shawnee Indian lands of Kansas, set apart in common to Black Bob's band, would most respectfully but most earnestly call your special and immediate attention to the extremely critical condition of their affairs—the imminent peril in which they stand of being wronged out of their homes. In making this appeal to your Excellency, your memorialist is fully sensible of the extreme suspicion that attends every effort and attaches itself to every person that connects his interests, in the smallest degree, with the settlement of Indian lands or the removal of the Indians.

Your attention, therefore, is especially called to the following copy of a letter from the office of the Commissioner of Indian Affairs to our representative in Congress, Hon. Sidney Clarke, as our justification in settling and improving the land set apart in common by the Shawnee treaty of 1854:

OFFICE OF COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C., January 20, 1866.

SIR: * * * By a treaty recently negotiated with the Black Bob band of the Shawnee tribe [of Indians,] what is deemed a just provision has been made for the protection of the rights of settlers, upon payment of a fair price for the land they respectively occupy, and a similar provision will be made in any negotiation which may hereafter be made.

Most respectfully, your obedient servant,

D. A. COOLEY, *Commissioner.*

Hon. SIDNEY CLARKE,
House of Representatives.

The above letter, which now forms part of the record of the office of the Commissioner of Indian Affairs, was accepted by the settlers as an official assurance of government protection.

At the date of the above letter not over twenty families occupied the land referred to; but since that date, and because of this promise of protection from an officer of the bureau having the immediate supervision and control of these lands, every quarter section of the same has been settled upon and improved, costly dwellings have been erected, schools have been organized, large orchards planted, and thousands of acres have been fenced and put under cultivation.

These and other improvements have been made of an aggregate cost not far short of \$200,000, and constitute at this time the entire worldly wealth and dependence of at least a thousand people; they have been made with the encouragement of the Indian Department, without objection from any source, under the immediate eye of the United States agent of the Shawnee Indians, and, therefore, on the faith of a recognized right, in the full belief, with the official assurance, that the settlers would be protected by the government in the right to acquire title.

At the close of the war the emigration to Kansas found these lands entirely unoccupied and unimproved, and, according to the most competent and what was deemed mostly reliable authority, about passing from the Indians into the possession and control of the government, under treaty stipulations that protected the rights of settlers. But now, in the face of the encouragement to settlers from the Indian Bureau, in the face of the thousands of dollars and the long years of toil expended in the improvement of these lands, sixty-nine patents to a large portion of this reservation have been issued to members of Black Bob's band; that under and by virtue of these patents some of the most valuably improved lands of settlers have been sold to speculators by sales that now

only wait the approval of the Secretary of the Interior to make them final.

These sales have been made without regard to the rights of settlers, without their being notified that patents had issued, and without any opportunity being afforded them to purchase.

Thus, under cover of law and contrary to the assurance of protection given them by a late officer of the Indian Bureau, these settlers find themselves stripped of every right.

Having settled upon and improved these lands on the faith that they would be permitted to acquire title, having never asked for the application of the homestead or pre-emption law to their case, but, on the contrary, always expressed and manifested a willingness to purchase the lands they have improved at their fairly appraised value, they now respectfully but most earnestly submit, in view of the facts connected with their settlement, that the government is morally bound to protect.

They do, therefore, most respectfully and most earnestly pray your Excellency to withhold the issuing of patents to the Black Bob band of Shawnee Indians, and to have such as have already been issued returned for cancellation, to the end that these lands may, by treaty, pass into the possession of the tillers of the soil, and thus, in part, carry into practical effect that comprehensive and beneficent policy of land reform that owes its very existence to your own constant, unceasing, patriotic efforts in behalf of the poor.

Most respectfully, your obedient servant,

THOS. S. SLAUGHTER,
In behalf of the Settlers.

His Excellency ANDREW JOHNSON,
President of the United States.

EXECUTIVE DEPARTMENT, *February 11, 1869.*

Respectfully referred to the honorable Secretary of the Interior, with the hope that the prayer of the petitioners can be granted.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 15, 1869.*

SIR: I have the honor to acknowledge the receipt of a letter of the 13th instant, signed by W. W. Ross and Abelard Guthrie, as attorneys for certain Shawnee Indians, and addressed to yourself, stating that they are in receipt of a telegraphic dispatch from Paschal Fish, a Shawnee Indian, representing that the whites had settled upon and occupy the lands held in common by Shawnee Indians, that they had forbidden these Indians to cut and sell their own timber, and asking that a delegation of these Indians be permitted to visit this city for the purpose of having their condition receive the earliest possible attention of your department.

In compliance with your instruction to report promptly on this question, I have the honor to state that the subject of forbidding these Indians to cut timber on their own lands was brought to your notice by Mr. Guthrie, in a letter addressed to you, which letter you transmitted to me on the 6th instant, with instructions to forward the same to Agent Taylor and direct him to investigate and report fully on this question. I have complied with your instructions, and suggest that no further action be taken on this question until the agent's report is received.

Should it be ascertained that the whites are trespassing on the lands

held in common by the Shawnee Indians, (and of this I have very little doubt, as they are doing so on nearly all the Indian reservations in Kansas,) I fail to see how they will be prevented from continuing to do so by a visit of a delegation of these Indians to this city. When the agent's report is received, it will then be for the department to determine what further action will be necessary to protect these Indians in all their rights on their reservations.

The letter of Messrs. Ross and Guthrie is herewith returned.

Very respectfully, your obedient servant,

THOS. MURPHY,
Superintendent Indian Affairs.

Hon. N. G. TAYLOR,
Commissioner.

WASHINGTON CITY, D. C., *February 13, 1869.*

SIR: We have a telegram from Paschal Fish, chief of the Shawnees holding lands in common, stating that a delegation of his people are waiting for permission to come to Washington upon business of the utmost importance to them. The whites have settled upon and occupy their lands, thus preventing them from making a livelihood by cultivating their fields, and now have even forbidden these Indians to cut and sell their own timber, the only resource left them for obtaining a subsistence. The spring is fast approaching, and you will readily perceive the necessity of making some arrangements for the coming year; otherwise great suffering, if not starvation, must attend them. We ask, therefore, that the delegation be permitted to come to Washington for the purpose of having their condition receive the earliest possible attention of your department.

Very respectfully, your obedient servant,

W. W. ROSS,
ABELARD GUTHRIE,
Attorneys for said Indians.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs.

DEPARTMENT INTERIOR, OFFICE INDIAN AFFAIRS,
February 18, 1869.

SIR: I have the honor to acknowledge the receipt, by reference from you, of a letter from T. S. Slaughter, esq., dated the 6th instant, to the Hon. E. G. Ross, United States Senate, and by him referred to this department, in relation to the rights of certain settlers upon the lands reserved for Black Bob's band of Shawnee Indians under the treaty with said Indians of May 10, 1854, upon which you direct a report from this office.

Under the second article of the treaty aforesaid, (vol. 10, Stat. at Large, page 1054,) a provision was made, as follows: "In the settlement known as Black Bob's settlement, in which he has an improvement wherever he resides, and in that known as Long Tail's settlement, in which he has an improvement wherever he resides, there are numbers of Shawnees who desire to hold their lands in common; it is, therefore,

agreed that all Shawnees, including the persons adopted as aforesaid, and incompetent persons, and minor children who reside in said settlements, respectively, and all who shall, within sixty days after the approval of the surveys hereinafter provided for, signify to the United States agent their election to join either of said communities and reside with them, shall have a quantity of land assigned and set off to them, in a compact body, at each of the settlements aforesaid, equal to two hundred acres to every individual in each of said communities."

A census of said Indians was taken pursuant to the provisions contained in the article aforesaid, and $33,392\frac{87}{100}$ acres of land were set apart for them as provided for by the treaty.

The fourth article of the treaty provides that "those of the Shawnees who may elect to live in common shall hereafter be permitted, if they so desire, to make separate selections within the bounds of the tract which may have been assigned to them in common; and such selections shall be made in all respects in conformity with the rule herein provided to govern those who shall, in the first instance, make separate selections."

Under this last provision, a list containing the names of sixty-nine members of Black Bob's band, who had made selections in land in severalty, approved by the agent and the Shawnee chiefs, was on the 14th of May, 1867, reported to you, which list was approved by you on the 16th of that month, and transferred to the General Land Office for patenting. The patents were issued on the 10th of June, 1867, and on the 20th of the same month they were, upon the verbal request of the Hon. Sidney Clarke, transmitted to him for delivery to the agent of the Shawnees.

Subsequently, upon representations being made to this office that much dissatisfaction existed among the members of Black Bob's band in consequence of the selections aforesaid, Agent Taylor was directed to suspend the delivery of the patents, and to recall such as had been delivered, to which he responded by saying that the wishes of the office would be obeyed. On the 19th of September last, Agent Taylor reported that the Indians refused to surrender the patents, whereupon this office directed Superintendent Murphy to instruct Agent Taylor to inform those Indians who held patents that, until they surrendered the same, no sales of the lands so patented would be approved. (The patents contain the same provision against the sale or alienation of the lands as is contained in the patents issued to the severalty Shawnees under said treaty, the issuance of which was authorized by the eleventh section of an act of Congress approved March 3, 1854.—Vol. 4, Stat. at Large, page 430.)

Continual complaints having reached this office from some of the members of said bands, or from some persons claiming to represent them, against the selections in severalty, charging fraud and deception upon late Agent Abbott, who reported the same to this office, alleging that the Indians were deceived and unduly induced to make selections, and that a general dissatisfaction existed among the band in consequence thereof. Whereupon, this office, on the 10th of January, 1868, referred the matter to Superintendent Murphy, and directed him to make an investigation thereof and report thereon to this office. That officer, under date of January 29, 1868, submitted his report, accompanied by a copy of the proceedings of a council held by him with the members of Black Bob's band, from which it appears that no improper or undue influence was used to induce the Indians to make their selections in severalty, as had been charged.

A second list of selections for members of said band has been filed in this office, upon which no action as yet has been had. A number of deeds executed by members of the band who hold patents have also

been submitted for approval, but it has been deemed advisable to withhold action thereon, for reasons already stated.

In regard to the letter to the Hon. Sidney Clarke from late Commissioner Cooley, referred to by Mr. Slaughter, an unintentional mistake was doubtless made in that letter. The subject of providing in the treaty for the settlers upon the Black Bob's tract had been freely discussed before the negotiation of the treaty signed January 4, 1866, and at the date of the letter to Mr. Clarke, January 20, 1866, at which time the treaty was before the Senate, Mr. Cooley, without doubt, supposed that the provision referred to was contained in the treaty. This seems the more probable, for the reason that provision for the settlers upon the absentee Shawnee tract had been made in the treaties negotiated with the Shawnees anterior and subsequent to that with Black Bob's band of January 4, 1866, referred to. This letter was explained to Mr. Slaughter in a communication to him from this office dated the 15th ultimo.

In regard to the approval of sales already made by those Indians who hold patents for portions of the Black Bob tract, as before stated, it is for you to decide whether, in view of the fact that the patents have been issued under your authority, have been delivered to the holders thereof by the agent for the government, the sales shall be confirmed, provided the consequences have been executed in accordance with the existing rules and regulations governing the sales of lands held in severalty by Indians in the State of Kansas; and also whether any more of the members of said band will be permitted to make selections in severalty within said tract of land. You will please instruct this office upon these points.

I cannot better respond to that portion of the letter from Mr. Slaughter which relates to the claims of the settlers upon said lands, and the contemplated benefits to them contained in the treaty referred to, now pending before the Senate, than by referring you to the inclosed copy of a letter from this office to the Hon. Sidney Clarke, dated December 28, 1867, which relates to those subjects. I return the letter from Mr. Slaughter herewith.

I also return herewith a letter dated the 4th instant, to the President from Mr. Slaughter, of similar import to that above referred to, which letter was by you referred to this office on the 13th instant for report thereon, and which it is proper to consider in connection with the letter already referred to.

Very, &c.,

N. G. TAYLOR,
Commissioner.

Hon. O. H. BROWNING,
Secretary of the Interior.

WASHINGTON, D. C., *February 27, 1869.*

SIR: I have the honor to again call your attention to the applications for patents to selections of land made by members of the Black Bob band of Shawnee Indians, and which were placed on file in the Indian Office, on the 12th day of December, 1868, and have not up to this time received the official action of the honorable Commissioner of Indian Affairs, and would request that you submit this communication with an indorsement of your views on the subject and urge immediate consideration. I have heretofore stated that said selections were made in strict

conformity with the sixth article of the Shawnee treaty of May 10, 1864, which prescribes the manner in which this class of Indians, who, in the first instance, chose to occupy their lands in common, might hereafter make separate selections, and by reference to an act of Congress, approved March 3, 1859, (see United States Statutes, vol. 11, page 430,) it will be seen that where such selections have been made in accordance with said treaty stipulations, the law requires the honorable Secretary of the Interior to cause patents to be issued to individuals entitled thereto; and as the department has already established the precedent, by issuing sixty-nine patents to members of this band, the present applicants cannot understand why their claims should be ignored or so long delayed. It will also be seen that the sixth article of the Shawnee treaty of March 2, 1867, now pending the action of the United States Senate, will, if ratified, guarantee to this class of persons the same right to make selections, and in the same manner as heretofore provided for under the treaty of 1854, and the Indians who have made the selections herein referred to claim vested rights in the lands so selected by virtue of the compliance on their part with the law. It is also well known to the department, from official letters and authorized investigations, that the members of the Black Bob band were driven from their homes and reservation in the early part of the late rebellion by marauding bands of Quantrelle and others, on the one side, and a hardly less scrupulous band upon the other, and by depredations during the war their buildings and other improvements were totally destroyed; and they were also robbed of all their stock, and some fell victims to the enemy's sword for their fidelity to the government. And those who survived the ravages of the war find themselves entirely destitute of all means to support their families, hence they have from necessity been driven to rely upon the charities of their more fortunate brothers of the severalty Shawnees, or perish. And in view of their forlorn situation, their rights under the law, and their desire to again place themselves in a condition whereby they can earn a support for themselves and families, and once more become self-supporting, they call upon me, (as their agent,) in the name of justice, to once more call the attention of the department to their well established rights and claims.

I therefore would most respectfully but earnestly urge the prompt action of the department in the issuing of the patents herein solicited, in order that they may be enabled to dispose of a portion of their lands under the rules and regulations of the department, and furnish themselves with the necessities of life, and to provide agricultural implements in time for spring farming, out of the proceeds of the sale thereof.

Very respectfully, your obedient servant,

H. L. TAYLOR,
United States Agent.

Colonel THOS. MURPHY,
Superintendent Indian Affairs, Atchison, Kansas.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
March 1, 1869.

SIR: I have the honor to inclose herewith for your consideration a letter to Superintendent Murphy from Agent Taylor, dated the 27th ultimo, urging that the selections made for certain members of Black

Bob's band of Shawnee Indians, heretofore filed in this office, be confirmed and that patents be issued for the same, which letter was referred to this office by Superintendent Murphy at the above date, with his own and the indorsement of the Hon. Sidney Clarke thereon, recommending the adoption of the course advised by Agent Taylor.

On the 18th ultimo this office submitted to you, in the form of a report upon a communication to you from T. S. Slaughter, esq., a detailed statement of all the matters involved in the case under consideration, to which your attention is respectfully called in considering the request now presented in the letter referred to and the indorsements thereon by Superintendent Murphy and Mr. Clarke.

In the report of the 18th ultimo, above referred to, you were requested to decide whether sales made by members of said band who have already received patents will be approved provided such sales conform to the existing rules and regulations to be observed in the conveyance of lands held in severalty by Indians in the State of Kansas, and also whether any more of the members of said band will be permitted to make selections in severalty from the Black Bob tract; and I now have the honor to inclose herewith the list of selections referred to, and respectfully recommend that you approve the same, and direct the General Land Office to issue patents therefor in the same form as those heretofore issued to members of the tribe under the Shawnee treaty of May 10, 1854.

Respectfully, &c.,

N. G. TAYLOR,
Commissioner.

Hon. O. H. BROWNING,
Secretary of the Interior.

WASHINGTON, D. C., *March 1, 1869.*

SIR: I desire respectfully to remonstrate, on behalf of the Black Bob Shawnee Indians, (so-called,) against the issuance of patent to members of that band, for lands held in common under the treaty of 1854.

These people have not applied for the issuance of patents for any part of their reserve, and any representations made to the department to the contrary are false. Agent Taylor and his partner, J. B. Abbott, have long been using every possible means to break this people up, by urging them to take their lands in severalty, but they have always resisted; and now falsehood, if not forgery, has been resorted to to deceive the department in reference to the interest and wishes of these people. Taylor and Abbott have been operating in these lands, and I can prove that Agent Taylor offered to sell one hundred acres of his land for fourteen hundred dollars which his partner had bought for two dollars and fifty cents, in anticipation of his being able to secure an approval of his purchase through his influence with the Indian Office. I am credibly informed there are other similar cases. It is notorious that Taylor and Abbott are buying up those lands at merely nominal prices, and selling them at enormous advances. Is it possible this system of frauds upon these poor people will be sanctioned? I cannot believe it. The patents already issued for a portion of this reserve were issued in direct violation of the terms of the treaty of 1854, and the contemplated issue is no less so.

I again most respectfully but earnestly remonstrate against the consummation of this gross fraud upon these people. And my confidence

in your high sense of honor and justice assures me that my appeal will not be in vain.

Very respectfully, your obedient servant,

ABELARD GUTHRIE,
Attorney for said Shawnees.

Hon. O. H. BROWNING,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
March 20, 1869.

Action: Respectfully referred to the Commissioner of Indian Affairs.
JOHN C. COX,
Chief Clerk.

WASHINGTON, D. C., March 2, 1869.

SIR: We have learned with surprise that the Commissioner of Indian Affairs, some days since, recommended to you the confirmation of certain patents heretofore issued to members of Black Bob's band of Shawnee Indians, and the approval of sales made by the patentees; so we are ready to prove that these patents were issued in violation of the treaty of 1854, and without the knowledge or consent of the Indians, and that most, if not all, the sales by the Indians were effected by fraudulent representations to them. We respectfully ask that the recommendations of the Commissioner of Indian Affairs be not concurred or approved.

Very respectfully, your obedient servants,

W. W. ROSS,
ABELARD GUTHRIE,
Attorneys for said Indians.

Hon. O. H. BROWNING,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
March 3, 1869.

Respectfully referred to Commissioner of Indian Affairs.
JOHN C. COX,
Chief Clerk.

AUDITOR'S OFFICE, LAWRENCE COUNTY,
Bedford, Ind., ———, 186 .

Reservation of the Black Bob branch of the Shawnee Indians, situate in the southeast corner of Johnson County, Kansas.

Number of acres not now remembered, but is, in my opinion, largely over one congressional township.

Valuable now, but prospectively immensely so.

CHAS. T. WOOLFOLK.

Hon. S. H. BUSKIRK.

MARCH 13, 1869.

Please inform me whether the lands (the above memorandum is intended as a description) are now subject to entry or purchase in any way.

W. E. NIBLACK.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs.

WASHINGTON, D. C., *March 13, 1869.*

SIR: I have the honor to again request you to submit for the consideration of the honorable Secretary of the Interior twenty-five Black Bob Shawnee Indian deeds, and also sixty-five selections made by the same band of Indians, asking for patents to be issued for the same.

Both the deeds and list of selections were submitted to the Hon. O. H. Browning, late Secretary, on the 2d instant, but failed to receive official action for want of time.

I am, very respectfully, your obedient servant,

H. L. TAYLOR,
United States Indian Agent.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 16, 1869.

SIR: I have the honor to inclose herewith, for your consideration, a letter to Superintendent Murphy from Agent Taylor, dated the 27th ult., urging that the selections made for certain members of Black Bob's band of Shawnee Indians, heretofore filed in this office, be confirmed, and that patents be issued for the same, which letter was referred to this office by Superintendent Murphy at the above date, with his own and the indorsement of the Hon. Sidney Clarke thereon, recommending the adoption of the course advised by Agent Taylor.

On the 18th ultimo this office submitted to your predecessor, in the form of a report upon a communication to you from T. S. Slaughter, esq., a detailed statement of all the matters involved in the case under consideration, to which your attention is respectfully called in considering the request now presented in the letter referred to, and the indorsement thereon by Superintendent Murphy and Mr. Clarke.

In the report of the 18th ultimo, above referred to, your predecessor was requested to decide whether sales made by members of said band who have already received patents will be approved, provided such sales conform to the existing rules and regulations to be observed in the conveyance of lands held in severalty by Indians in the State of Kansas, and, also, whether any more of the members of said band will be permitted to make selections in severalty from the Black Bob tract; and I now have the honor to inclose herewith the list of selections referred to, and respectfully recommend that you approve the same, and direct the General Land Office to issue patents therefor, in the same form as those heretofore issued to members of the tribe under the Shawnee treaty of May 10, 1854.

Very respectfully, your obedient servant,

N. G. TAYLOR,
Commissioner.

Hon. J. D. Cox,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 16, 1869.

SIR: I have the honor to inclose herewith—referring to my report to your predecessor, of the 18th ultimo, with the recommendation that you

approve the same—the following Shawnee Indian deeds, all of which have been executed by members of Black Bob's band in conformity to the existing rules and regulations, viz: to J. C. Irwin from Su-qua, Louis Coffee and Pah-me-thah-kwa, sole heir of Coffee, deceased. Maththa-ne-se Bob, Mah-cho-lo-se, Nancy Tiblow, by her guardian, James Tiblow; John Francis and Su-qua, heirs; Sah-kh-to-zah, Lah-la, Susan Tiblow; Allen McDougal, heir of Ma-thah-we-ka-se; Johnson, David and James Blackfeather, heirs of Kim-wah-pe-a-se; Henry Ellick, John Big Fox, Betsey Perry, heiress of Martin Blackhoof; John Francis, Betsey Perry, James Blackhoof, *alias* Quah-he-cha; Johnson, David and James Blackfeather, heirs of Pah-me-se; Tha-the-qua-ka-se, heir of Thomas Dougherty; Johnson Blackfeather, Wah-ko-cho-na, Mary McLean, heiress of Kish-e-wah-com-sah and Ku-wha-cune-se, Math-kaw-a-se; Sally Tiblow and Big Fox, heir of John Fox, deceased.

Very respectfully, your obedient servant,

N. G. TAYLOR,
Commissioner.

Hon. J. D. Cox,
Secretary of the Interior.

OLATHE, KANSAS, *March 18, 1869.*

SIR: We are settlers on the Shawnee Indian reserve, called the Black Bob reserve. It would take too long a letter to give any history of the former management of affairs with this nation, but one thing we humbly ask, and that is, that an agent may be appointed for this nation that is honest, above being bought, and would be glad if he came from a distant State, unprejudiced, prepared to do justice to all parties. We are encouraged to ask this because we believe that our new administration has commenced with the determination to make radical changes where it is needed, and honest men furnished to the Indian Department will be a blessing to all concerned. If you can, dear sir, do anything to further these ends, you will confer a great blessing not only upon the Indian and the settler, but upon the county and State.

Yours, with confidence,

J. B. TINKER,
And others, Olathe, Johnson County, Kansas.

Hon. J. D. Cox,
Secretary of the Interior, Washington.

P. S.—Please do not show this to former agents and lobbies who are pleading for head-right system without reserve, for we shall be placed in their hands unless something is done.

DEPARTMENT OF INTERIOR,
March 25, 1869.

Respectfully referred to Commissioner of Indian Affairs.

A. S. H. WHITE,
Chief Clerk.

WASHINGTON, D. C., *March 22, 1869.*

SIR: The inclosed pamphlet on the Shawnee Indians gives a brief statement of the rights and condition of that portion of the Shawnees

known as Black Bob's party and absentees, who hold lands in common, and whose interests are identical. We wish, however, to state some additional facts which have occurred since the date of the pamphlet.

About the month of September last the Commissioner of Indian Affairs ordered the patents which had been issued for portions of the Black Bob tract, and then in the hands of the Shawnee agent, to be returned to the department. But as soon as the agent received the order, instead of complying, he had the patents delivered, not to the patentees, but to such severalty Shawnees as it was supposed had influence enough to induce the patentees to accept them.

The present Shawnee agent and his patentee, the former agent, have been engaged in buying Indian lands for themselves and others, and following up their past successes came on to Washington early in the winter, and are still here trying to get the former issue of patents and the sales made under them approved, and also to have the balance of the lands patented; and a report favoring these objects from the Commissioner of Indian Affairs is now before you.

But amid the conflicting representations in regard to these Indians and their lands, there are some self-evident facts and others, supported by the treaty, that can hardly fail to convey to you a correct idea of the proper course to be pursued:

1. The Indians ought to get the market value of their lands irrespective of squatter improvements, which would be an average of \$12 an acre.

2. The money ought to be equally divided, or, rather, invested for their benefit, and the interest paid to them annually *per capita*. For this purpose a new treaty should be made with them, as the treaty of 1854 gives to each individual two hundred acres of land, and as some of their lands are worth twenty dollars an acre, (unimproved,) and some not over five dollars an acre, the division is unequal and unjust.

3. Indian lands, while held in common, are safe from the white man's grasp; but when patented in severalty, he can, and will, have them at his own price, and the Indian is soon without land, home, or money. The Indians, aware of this, do not want patents in severalty.

In the issuance of the patents to these Indians, the provisions of the treaty of 1854 were disregarded in several particulars:

1. The Indians did not, of their own motion, apply for patents which the treaty made necessary before issuing them.

2. They were issued to individual members of families instead of to the heads of families, as required by the treaty.

3. They did not embrace the improvements of the patentees, as required by the treaty.

These patents should be recalled and canceled, and no more issued. We think the Shawnees holding lands in common should be allowed to make their own treaty.

The wicked and treacherous instrumentality of the severalty Shawnees, in favoring the schemes of squatters and speculators, shows them to be dangerous associates, and these people feel insecure while connected with them. This is manifest, from the numerous treaties made by the severalty Shawnees to dispose of the lands set apart for those who preferred to hold theirs in common. And the law of Congress given in the pamphlet, we think, authorizes them to treat with the government.

Although the long series of outrages to which these people have been subjected have broken their spirits, and the ceaseless importunities and intimidations of squatters, speculators, and government agents have

weakened their hopes to such a degree that they may consent to any terms the government may prescribe, we trust they will be treated not only with justice but with generosity.

We trust the recommendations contained in the report of the Commissioner of Indian Affairs, in reference to these Indians and their lands, will not be approved, because they are wrong in themselves, adverse to the wishes and interests of the Indians, and have been condemned by the Senate again and again, by refusing to ratify some five or six treaties made from time to time with the severalty Shawnees, embracing substantially the same proportions.

I ask that the present Shawnee agent be removed from office, and some good man put in his stead. There will be no peace or protection for these Indians until this is done.

Very respectfully, your obedient servant,

ABELARD GUTHRIE,

Attorney in fact for the Black Bob and Absentee Shawnees.

Hon. J. D. Cox,

Secretary of the Interior.

P. S.—Major W. W. Ross, now absent, was also employed by these Indians to care for their interests, and I had hoped would return in time to unite with me in the above remonstrance.

A. G.

The Shawnee Indians of Kansas.

A rather violent controversy has long existed among the Shawnee Indians, and erroneous statements and impressions in regard to its origin and continuance have been made by interested parties. With a view to correct these errors, and to do justice to those who have been oppressed and wronged, I propose to give a brief history of the origin and progress of these troubles.

By the treaty of November 7, 1825, the Missouri Shawnees became the owners of a tract of land in what is now the State of Kansas, equal to fifty miles square; but in that treaty provision was made for the Ohio Shawnees or Maguocheh, and in the treaty of August 8, 1831, with that tribe, its rights were defined to be one hundred thousand acres of land within the Missouri Shawnee grant, if it could be selected in a body without interfering with those Shawnees; otherwise to be selected outside the reserve. The Ohio Shawnees moved to the Indian country in 1832, and settled among the Missouri Shawnees, as the latter supposed temporarily, but they never selected their hundred thousand acres. They had a small annuity, which they used adroitly to ingratiate themselves with some of the headmen of the Missouri tribe, but each kept up its separate organization.

About the year 1844, the M. E. church was divided and most of the Ohio Shawnees went with the M. E. church *south*; some of them being slaveholders, and others pro-slavery in sentiment. The larger portion of the Missouri Shawnees adhered to the old church; not that any considerable number of either tribe were members of either church, but agreed in sentiment with those who were, and affiliated with them. A great effort was now made by pro-slavery missionaries of the church *south* to secure the Indian tribes. And it grew to such violence that the Rev. Mr. Gurley, a missionary of the old church, among the Wyandots, (adjoining the Shawnees,) was taken from his bed at midnight by the

minions of slavery, and carried over the Kansas River, and warned never to return, and other outrages of the kind were numerous.

The Missouri Shawnees became greatly dissatisfied with their visitors ; and about the year 1851 authorized Paschal Fish, one of their number, to take measures to have Ohio Shawnees removed from their reserve. He employed an attorney to proceed to Washington for this purpose, but he died on the way, and nothing was accomplished. About the year 1853, the Ohio Shawnees having secured the co-operation of a few of the Missouri Shawnees, overthrew the separate tribal organizations, and elected a council claiming to represent both tribes, and then proceeded to treat with the government, and sold 1,400,000 acres of the land (which belonged exclusively to the Missouri Shawnees) for \$829,000, which were divided among the members of the two tribes *per capita*, except \$40,000 set apart for a school fund. The residue of the lands (200,000 acres) was divided among the members of the two tribes, each receiving two hundred acres, or, if the head of a family, a quantity equal to two hundred acres each. By this treaty there were granted to Joseph Parks, the head chief, and a slaveholder, two sections of land, worth \$60,000, to Blackhoof (another Ohio Shawnee) one section, and to the M. E. church *south* three sections, worth \$75,000 ; a consideration, not in money, is mentioned for this land, but it was a sham and amounted to nothing. The land was really designed for Thomas Johnson, the most zealous and active missionary of the church *south*, and was subsequently patented to him, while the old church, with a better school, under the management of Dr. Still, was not so much as mentioned in the treaty. These grants will be found in the second article of the treaty of 1854, and show how proscriptive and unjust the pro-slavery Shawnees were at that time, and they are the same now. Thus the Ohio Shawnees, being the more numerous, received at least 100,000 acres of the land, worth an average of ten dollars an acre, and about \$500,000 of the money, in all about \$1,500,000, for which the Missouri Shawnees never received over \$60,000. The treaty, it will be seen, was made by nine delegates, two only of whom were of the Missouri tribe ; and of these two, one was in the interest of the other party.

The treaty of 1854 provided that those who proposed to do so might make selections of two hundred acres each and hold them in severalty, and patents were subsequently issued to the individuals who made separate selections. The treaty also provided that those who should so elect might hold their lands in common. Accordingly, Black Bob, a leading man of the Missouri Shawnees, and those who thought and acted with him, availed themselves of this provision of the treaty, and there was, therefore, set apart to them in a compact form, a tract equal to two hundred acres each, a little over thirty thousand acres in all.

About the year 1861 or 1862, Agent Abbott made a treaty with the Ohio or severalty Shawnees, by which Black Bob understood his reserve was to be sold from under him. He was very indignant at the assumption of the Ohio Shawnees of a right to dispose of his lands, while they held their own by patent, and, by taking their lands in severalty, had been able to select the most valuable tracts, &c., and remonstrated against the treaty and the right of the severalty Shawnees to sell his lands. The treaty was thus defeated. None of Black Bob's party could talk English or knew how to manage their affairs. They, therefore, adopted Paschal Fish, made him a chief of their party, and intrusted him with the management of their affairs. Mr. Fish was a Missouri Shawnee, whose improvements were so situated that they could not be included in the common reserve, and he had, therefore, received a patent for his land, but he

had always acted with Black Bob and his party, and, therefore, enjoyed their entire confidence.

In 1862, or early in 1863, the notorious Quantrell made a raid into Black Bob's reserve, killed one of his men, (a Union soldier,) robbed others, and drove all from their houses. It appears the offense which brought upon these people this severe punishment was, that Black Bob, having received information from some friends who resided in the Indian country south of Kansas that they were trying to escape from the rebels, armed some of his men and sent them to aid their friends. This act, and the well known loyalty of Black Bob's people, brought upon them the disasters that followed. They were now compelled to seek homes among their friends and with other tribes.

Finding that the council elected by the severalty Shawnees had not only a controlling power over their own affairs, but also over the affairs of *his* people, he determined to bring his whole force to the ensuing election of chiefs and control the election. Accordingly, on the day appointed for the election, he made his appearance at the place named for holding the election, and after waiting until 3 o'clock p. m. for the opening of the polls, and finding no movement was made for that purpose, he announced his intentions to proceed with the election, and acted accordingly. The result was ninety-three votes for his candidates, and they were declared elected. But the other party took no part in this election. Black Bob's party now left the ground and returned to their homes. About *dark*, of the same day, the other party also held an election, casting about forty-two votes, and of course elected its whole ticket. And the agent recognized the men so elected as the legitimate Shawnee council.

Black Bob's party immediately complained to the department of this injustice, and the Commissioner of Indian Affairs, Colonel Dole, replied that he would have the agent investigate the matter. As this agent was the main instrument in giving success to the fraud, it was mere mockery to instruct him to investigate and report upon his own wrong. Of course his report sustained his own action and that of his friends. After this, Black Bob never attended another election. His friends, commonly known as absentee Shawnees from the Indian country, had now joined him. They having returned in time to secure the lands reserved for them under the second article of the treaty of 1854, had equal rights with his own people to their reserve, and the two bands now united and elected a council of their own; but the agent and the department refused to recognize it.

The agent (the notorious James B. Abbott, who has figured so largely in Shawnee matters) now made another treaty with the severalty Shawnees, disposing of both Black Bob's and the absentee reserves. But the injured parties again remonstrated and defeated the treaty, and claimed the right to make their own treaty on grounds of equity, and under the fourth and fifth sections of the act making appropriations for the Indian Department, approved March 3, 1863, (see United States Statutes at Large, vol. 12, p. 793,) in the following words:

SECTION 4. *And be it further enacted*, That the President of the United States be, and is hereby, authorized to enter into treaties with the several tribes of Indians, respectively, now residing in the State of Kansas, providing for the extinction of their titles, to lands held in common within said State, and for the removal of such Indians of said tribes as hold their lands in common to suitable localities, elsewhere within the territorial limits of the United States, and outside the limits of any State.

SEC. 5. *And be it further enacted*, That the President of the United States be, and is hereby, authorized to enter into negotiations, by treaty or otherwise, with such loyal tribes, or the loyal portion of such tribes, now residing in the country south of Kansas and west of Arkansas, commonly known as the "Indian country," as may be neces-

sary in order to secure for the Indians of Kansas who shall be removed to said Indian country under the provisions of the preceding sections of this act, the title to the lands to which they may be removed.

It is not presumable that Congress intended to give the Indians who had already received their share of the tribal domain in severalty, control over the common reserves, which are simply the same proportion of the tribal bands set apart to be held in common by those who preferred that kind of tenure, and, therefore, as much private property as the severalty selections. But the Indian Department refused to be governed by this law, and decided that the severalty Indians who had received not only an equal share of the tribal lands in fee, but selected the most valuable tracts, (some of which was worth fifty dollars an acre,) had the right to sell Black Bob's party out, and that, too, at one dollar and twenty-five cents per acre.

There have now been six treaties made with the severalty Shawnees to sell out Black Bob's and the absentee lands—the sixth being now before the Senate. Several of these treaties were made during the war, and if they had been ratified would have deprived these Indians of the last foot of ground they possessed. They were, it is true, in a starving condition, and some of them did starve to death right under the eye of the agent, who, so far as is known, never even attempted to obtain government or any other relief for them; and that, too, while all other Indians who had been driven from their homes were fed and clothed by the government. But with all these hardships they bravely refused to break up their reserve. They sent memorials to the department setting forth their wants and conditions, but all they could get was half rations for about six weeks.

The true secret of these long-continued and heartless outrages on these poor people is that certain whites wanted to get their lands, and, knowing them to be poor and ignorant, expected to make them easy victims; but, finding their efforts so often fail, they last spring hit upon a new plan. Unfortunately, there was a provision in the treaty of 1854 permitting these people to make selections in severalty within the common reserve when they should elect to do so. But this is evidently meant that the whole community should first agree to it; for the reserve to be held in common was to be set apart in a "compact body." Besides, the fourth article of the treaty expressly says, "If they so desire" they shall be at liberty to take their lands in severalty. They are here spoken of as a whole, meaning, doubtless, the whole community; otherwise an Indian living in the center of the reserve might be bribed or persuaded to demand a patent for his share of the land and then sell it to white men, when it was their evident design, by having their reserve in a "compact body," to guard against this evil. Yet this provision afforded the speculators a hope, and they went to work, and, by false representations to the department, had patents issued for nearly all Black Bob's reserve. Next it became necessary to get the Indians to agree to take the patents. There is evidence that for this purpose Mr. Abbott hired the United States interpreter for the Shawnees, and paid him five dollars a head for all whom he could get to agree to take their patents. And it appears he received \$150 for *thirty* dupes. What representations he made to them it is impossible to say. They had bravely resisted this suicidal temptation through many years of the greatest suffering, and no ordinary arguments or representations would have shaken their resolution.

Their lands have been overrun by white squatters, and all their endeavors to have them removed have been unavailing. The department has never so much as answered their appeals. They have been

told again and again that the treaty before the Senate will be ratified, that their lands will be sold, and they cannot help themselves. Their patents had been issued, which looked like a determination on the part of the government to break up the reserve. Besides, they knew that they were in most necessitous circumstances, and without hope of relief. All these considerations, doubtless, had their weight. But is it right, or even excusable, to take advantage of a loyal people's misfortunes in this way, and to violate the treaty in the accomplishment of so wicked a purpose?

Only think of it. These people were driven from their homes because of their well-known loyalty, and then those homes were seized by white people, who insist on holding them on their own terms; *and the department winks at the outrage.* The total neglect of these people during their long sufferings was doubtless designed to facilitate the disintegration of their reserve, and to secure their lands on terms which their necessities and ignorance might lead them to accept.

However, upon representing the facts to the department, the Commissioner of Indian Affairs had the patents suspended, and instructed Superintendent Murphy to investigate the charges. At this investigation the leaders of Black Bob's band, those who could talk English, and who had been chosen by themselves to attend to their business, and had attended to it for many years, were not allowed to be present; while two of the interpreters were, and had been for years, opponents of these people, and one of them is the man above spoken of as receiving five dollars a head for persuading them to take the patents which had been issued. Besides, there is evidence that these interpreters (both severalty Shawnees) drilled the people in the answers they were to make nearly the whole night before the council met.

Colonel Murphy is regarded as an excellent officer, and I think justly. He acted under instructions; nor could he have been aware of the undercurrents so busily at work to confuse and warp the minds of these simple people, whose instincts teach them what they want, but shrink from all questions involving controversy. Colonel Murphy's sympathies were evidently with the severalty Indians, for he has given his support to most if not all the treaties that have been made with them since he came into office. And, though he could hardly have been ignorant of the wretched condition of Black Bob's people and the absentees, we have no evidence that he ever tried to have anything done for their relief. Yet I believe he is honestly desirous of doing justice to all the Indians, but is liable to be misled as other men are, and I think was deceived on this occasion.

The present treaty is more objectionable than any of its five predecessors. It sells the lands held in common at less than one-third of their true value. True, it provides for an appraisement, but every one knows this appraisement will not exceed the minimum fixed in the treaty. *It does not give the Indians one cent for their lands.* It provides that the agent and council may lay out the money for which the lands may sell in various articles for the Indians, which is tantamount to giving the money to the agent and contractors in his employ. Besides, if you want to civilize the Indians, teach them the use and value of money as soon as possible. If you never allow them to have any, of course they can never know its importance in the business of life. I consider money only inferior to Christianity itself in its civilizing influences. Give the Indians the money justly due them, and when it is due them; make trade *free* among them, so there shall be competition, *and forbid everything in the shape of credit*, and I will soon show you more rapid strides in civilization than have ever yet been known among Indians.

This treaty takes from the absentee Shawnees the proceeds of the sale of their lands, and distributes them among those who have no right to them. What are the facts? In 1862 about one hundred and sixty of those known as absentees returned to Kansas in time to secure the lands reserved to them by the treaty of 1854, and they were recognized by the tribe and the government, their names being entered on the pay-roll of the tribe with the approval of all concerned. And this is matter of record in the Indian Department, or wherever the pay-rolls of the tribe are deposited, so that there can be no dispute on this point. Yet they did not go upon their land, because the whites were already in possession of it. But they remained in the neighborhood, the same as Black Bob's people. They complied with the conditions of the treaty, and therefore have exclusive right to the lands, the same that Black Bob's people have to their reserve, although there is not much over one hundred acres apiece, and therefore division in severalty under the treaty would be impossible, nor do they want to divide it.

There was a body of *refugee* Shawnees on Walnut Creek, near the southern border of Kansas, who have been subsisted by the government during and since the war. The agent, (Shanklin,) who had many other refugees in charge, brought two of these Shawnees to Washington, and palmed them off on the department as chiefs and delegates of the absentee Shawnees, although they had in no one particular complied with the terms of the treaty of 1854; nor had they joined or been recognized by the tribe; nor had they any rights or privileges as members of the tribe. There is evidence that these men had raised and commanded (the one as captain and the other as lieutenant) a company in the rebel service, until their men deserted them and the company was broken up; yet Colonel Bogy, then Commissioner, treated with them, made them members of the tribe, gave them the absentee lands, the title to which had already been vested in those Shawnees who had returned in time to secure them under the treaty of 1854, none of which had he any legal right to do; thus actually taking from the loyal *absentees* the lands to which they had the rightful and legal title, and giving them to the disloyal *refugees*, who had no shadow of right to them. The treaty itself acknowledges this gross injustice in article 1, which says: "The right of 'absentee Shawnees' to lands set apart for them by the second article of the treaty of November 2, 1854, are conceded to exist as if they had availed themselves of such rights within the time limited," &c. But those who did "avail themselves of such rights within the time limited," and who are the loyal and legal owners of the land, are not parties to the treaty, but are treated as if they had no existence. I know not how an act of greater injustice could be perpetrated.

Three of the severalty Shawnees have been in Washington for several months, trying to have the treaty of last year ratified; but not succeeding, the Commissioner of Indian Affairs instructed Superintendent Murphy to bring on delegates from Black Bob's party to endeavor to compose the difficulties.

These men were appointed at the secret council already alluded to, and from which Paschal Fish, their chief, was excluded. He is the only man of that party who can speak English intelligibly, and for that and other reasons has long been their chief adviser. Mr. Fish has long been pursued with great vindictiveness by the Ohio or pro-slavery party. He has been a most zealous member of the M. E. Church for over forty years, several of which he spent as a missionary among the Kickapoos, and his pulpit was once taken from him by Thomas Johnson, who received the three sections of land already mentioned, and Charles Bluejacket,

who witnesses the late treaty as United States interpreter. This man, the most conscientious Indian I ever knew, being deprived of his position in Black Bob's band, as already stated, was sent to Washington by the absentees as their delegate, and was surprised to learn that Agent Shanklin was here claiming to be the delegate from the absentees. This is the same man that brought the rebel Shawnees to Washington last winter, and secured their recognition as chiefs of the absentees by Colonel Bogy, to which allusion has already been made.

In a letter to the Commissioner of Indian Affairs, protesting against the payment of Mr. Fish's expenses, the severalty Shawnees and the two Black Bob delegates here say that Shanklin was recognized by them as the absentee delegate, and that he had agreed to some changes they wanted to make in the treaty. Shanklin, if a delegate at all, is from the refugee Shawnees, who are not members of the tribe, and who left it before the treaty of 1825. Strange to say, the Commissioner of Indian Affairs, with cruel weakness, complied with the malicious protest against paying Mr. Fish's expenses, leaving him here entirely penniless and in debt. *In fact, the protest appears to have been invited by the department.* One of the Black Bob delegates who came on does not approve of these things, and is opposed to the treaty, as are nearly all his people. Yet, while Mr. Fish was refused his expenses, the other party were paid three or four thousand dollars, twelve hundred of which were paid to their attorney, Governor Shannon, so famous, or otherwise, for the part he took in the early troubles in Kansas, for whom they sent to aid them to get their treaty ratified. Black Bob's party have acted on the defensive from the start, and the absentees, more recently, and most of the time, have had to depend on the liberality of friends to meet their expenses, while all this time the aggressors have had the tribal funds at their command.

The eighteenth article of the pending treaty provides for the payment of \$109,746 25 for depredations on Shawnee property, but the losses of Black Bob's people, except about half a dozen, and the absentees, are not included in the benefits of this provision. It is chiefly for the benefit of those Shawnees who lived near the Missouri border, and who had always acted with the pro-slavery party, and were in sympathy with the rebels. Though far the richer portion of the Shawnees, and living in an exposed section of the country, they were not molested by the rebels; but it has been said, and perhaps truly, that the Union soldiers treated them badly, and that Graham Rogers, (who figures in so many of their treaties,) was arrested on a charge of complicity in the murder of a Union soldier, and imprisoned. He was subsequently released through the influence of friends, and, indeed, may have been innocent; but it shows these men were suspected of disloyalty, and there certainly were circumstances to justify the suspicion. It seems but reasonable that the loyal Shawnees should also be embraced in this relief. In fact, I am in favor of the largest liberality toward the late rebels who evince a disposition to appreciate the concession, but object to discrimination *against* loyal men.

For the last seven or eight years there have been the most persistent efforts on the part of Indian agents and speculators to get hold of Black Bob's and the absentee reserves, and *six* treaties have been made for that purpose. Five of them have been defeated, and it is to be hoped the sixth will share the same fate. Black Bob's people had nothing to do with making these treaties, and yet they are the only parties who have lands to dispose of, who have any real interest in making a treaty

at all, for the severalty Indians have patents in fee for all the lands they were entitled to, and, therefore, they have become private property.

While the Indians hold their lands in common they feel that they are safe, and this feeling prompted them to prefer lands, though less valuable, where they could have them in a compact body. And the experience of the severalty Shawnees fully vindicates the wisdom of their choice, for of those who received patents for their lands it is estimated that about one-half are now landless. It may be objected that the rules of the department allow the Indians to sell only one-half of their allotments; but after selling this with the approval of the department, they sell the balance without it, giving warrantee deeds, which go on the county records, and no man will buy over these deeds, for he knows he would buy a lawsuit, (an expensive luxury at best,) and that public opinion would not tolerate a purchase thus made over the first buyer. But the very fact the Indian has not the right to sell, and that the buyer may yet have trouble with his title, induces him to make a large margin for future contingencies. Besides, even the sales made with the sanction of the department are often the merest shams. The department, of course, is governed by the report of the agent, who is the go-between in the transfer of the Indian lands. This trust may be honestly discharged, but the fact that Indian agents thus empowered get rich very fast might justify some suspicions.

The Black Bob and absentee Shawnee lands are worth about \$10 or \$12 per acre, but the price fixed upon them in the treaty is \$2 50, though I understand an amendment is proposed, raising the price to \$4. All the former treaties fixed it at \$1 25 per acre. Yet, while these severalty Shawnees are willing to sell these common reserves, (to which they have no just claim whatever,) Graham Rogers, one of their number, and a party to the treaty, lately sold his own allotment of six hundred acres at nearly \$35 per acre. Thus Mr. Rogers gets about twenty thousand dollars in cash for his six hundred acres, while Black Bob is to get, under the pending treaty, for the same quantity of land, only fifteen hundred dollars, and under the former treaties but half that amount, and that, too, in such articles as the agent shall see proper to buy for him, but not one dollar in money.

It is not surprising, therefore, that this treaty has many advocates. It is all for the agent and the speculators—nothing for the Indians. I may be in error, yet I cannot but regard it as a monstrous wrong.

I have not space to comment on all the injustices and incongruities of this treaty, but I trust, as I have no doubt, it will receive the careful examination of senators.

ABELARD GUTHRIE,
Of Kansas.

MARCH 23, 1868.

WASHINGTON, D. C., *March 22, 1869.*

SIR: I have the honor to herewith transmit copy of letter, bearing date October 28, 1868, from the Shawnee chiefs and councilmen, and members of the Black Bob band of Shawnee Indians, protesting against the withdrawal of certain patents, and ask for the issuing of other patents according to selections now on file in the department.

I would respectfully request that the inclosed papers be examined and

made a part of the subject of issuing patents to certain Shawnee Indians.

I am, very respectfully, your obedient servant,

H. L. TAYLOR,
United States Indian Agent.

Hon. J. D. Cox,
Secretary of the Interior.

We, the chiefs and councilmen of the Shawnee tribe of Indians of the State of Kansas, do hereby certify that at a grand council of the members of the Black Bob settlement, held on the 28th day of October, 1868, on the Black Bob reservation, the subject-matter of the following letter was fully discussed by the members of said council, and at its instance said letter was drawn up, and after it had been interpreted by Charles Bluejacket in our presence, and fully understood by them, the foregoing named persons signed said letter by making their marks; and we further certify that each and every person so signing are members of the Black Bob settlement, and that from our own personal knowledge believe that the letter honestly expresses the views and wishes of all the members of said settlement who have made selections on the Black Bob reservation.

GRAHAM ROGERS, *First Chief.*
CHARLES TUCKER, *Second Chief.*

HENRY F. A. ROGERS,
STEPHEN BLUEJACKET,

JAMES ^{his} + KIZER,
_{mark.}

ELI ^{his} + BLACKHOOF,
_{mark.}

MOSES ^{his} + SILVERHEELS,
_{mark.}

Councilmen.

Witness: S. M. COMABYER,
Council Clerk.

CHAS. BLUEJACKET.

Copy of letter from Black Bob to Agent.

GRAND COUNCIL ON BLACK BOB RESERVATION,
October 28, 1868.

SIR: We, the undersigned members of the Black Bob settlement of the Shawnee tribe of Indians, having been informed that, at the instigation of one Abelard Guthrie, claiming to act as our attorney, the Commissioner of Indian Affairs had authorized the return and cancellation of our patents, we would, therefore, most respectfully inform the honorable Commissioner that we have never employed the said Guthrie, or any other person whomsoever, to procure the return of our patents; but, to the contrary, having made our selections strictly in accordance with treaty stipulations, we fully believe that we are legally entitled to patents for the same, and when the patents are issued no person has the right to recall or cancel them without the consent of each patentee

or his heirs; that such consent has never been given by any of us, nor have we ever authorized any person to give any such consent for us.

And we do most solemnly declare that any person holding pretended authority from us for any such purpose is an impostor and holds such pretended authority by fraud or forgery.

And again, as heretofore, in order to prevent the continuation of such frauds, we earnestly ask that no agent or attorney claiming to represent us be recognized by the department, unless his authority be signed by us, and acknowledged before the United States Indian agent, and certified by the chiefs of our tribe.

And we take this opportunity to make known our earnest desire for the speedy ratification of the Shawnee treaty, with the amendments, as suggested by the Shawnee delegation to the Indian Committee of the United States Senate at their last session.

We request that you forward this letter or a copy of the same to the honorable Commissioner of Indian Affairs, with your views upon the subject.

BIG + FOX.

JOHNSON + BLACKFEATHER.

DAVID + BLACKFEATHER.

JAMES + BLACKFEATHER.

LEWIS + COFFEE.

FRENCH + PROPHET.

GEO. + PERRY.

LON-CO-WA-SE +.

MI-YAH-WA-PIA-SE +.

MA-CAH-TAH-LEM-A +.

HAH-TAH-WA +.

TA-LIP-SI-KAH +.

CHA-CO-SE-NO +.

QUE-ME-SE +.

WM. + HUNTER.

HENRY + ELLICK.

TOM + A-HAWK.

CHE-LI-NEE +.

JACOB + WHEELER.

JOHN + FRANCIS.

JOHN + POSSUM.

LITTLE + CHARLEY.

GEO. + WILLIAMS.

ON-KAH-WATH-KUK + BOB.

MATH-THA-NA-SE + BOB.

KA-NOX-SE +.

LOT C. + MACY.

ALLEN + TOM.

BETSY + PERRY.

LEM-COW-A-SE +.

SU-GUAH +.

MATH-KOW-A-SEE +.

COFFE + GREENFEATHER.

PHOEBE + DOUGLAS.

SAH-KA-TE-ZAH +.

WIDOW + COFFE.

NUT-TWA-PI-A-SE +.

BILLY + WILLIAMS.

ALICE + BIGFOX.

NAH-WAH-LIP-TO +.

HAS-KAS-THAT +.

CHE-LA-THAT +.

THO-WIN-NA-SE +.

MO-KE-PEA +.

HA-TA-THIM-WAH +.

KA-SI-WAH-PI-A-SE +.

NE-KAH-NAH-KA-SE +.

HO-QUA +.

WM. + HENRY.

HAH-SE-WAH-PEA-SE +.

Colonel H. L. TAYLOR,

U. S. Indian Agent of the Shawnees.

Copy of agent's letter transmitting the foregoing.

DE SOTO, KANSAS, December 2, 1868.

SIR: I have the honor to herewith transmit letter addressed to me from members of the Black Bob settlement, bearing date October 28, 1868, in which they protest against the withdrawal of patents, and request me to express my views on the subject, and, in compliance with their

wishes, would say that in my opinion they have honestly expressed their sentiments and stated nothing but facts, and I fully concur therein.

Very respectfully, your obedient servant,

H. L. TAYLOR,
United States Indian Agent.

Hon. N. G. TAYLOR,
Commissioner Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 30, 1869.

SIR: I have the honor to request that I be furnished with copies of all telegraphic and other correspondence between your office and Agent Taylor, of the Shawnees, in reference to certain patents for Black Bob Shawnee lands, and deeds purporting to have been issued under them.

Very respectfully, yours, &c.,

E. G. ROSS.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs.

OLATHE, JOHNSON CO., KANSAS, *March 29, 1869.*

DEAR SIR: I desire to call your attention to a fact in relation to my claims for a confirmation by the department of my deed. There is myself and a few other settlers on this Black Bob reservation (part of the Shawnee nation) in Kansas, who purchased from the Indians in good faith, believing it to be in accordance with law; and to secure unto us our homes and improvements, and to keep land-sharks and speculators from taking advantage of us, did pay our money, in the presence of the authorized agent, to the Indians. Now we think that if the department does not confirm our title that an act of injustice is done us. I will mention that Mr. Mortice, Mr. Robertson, Mr. Fay, and myself, are bona fide settlers, and have been for the last two years. I expect that Mr. Abbott has our deeds from the Indians, at least I expect he took them there. Mr. Slaughter is there to represent the interest of the settlers, but being fearful that he will not represent us, I write you this letter hoping you will give it your attention, and I would consider it a great favor if you dropped me a few lines with your opinion, for with us it is suspense, *suspense.*

Yours, with respect,

WM. S. DUFFIELD.

Action: Sent to Commissioner of Indian Affairs with Secretary's letter of June 3, 1869.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS, *April 2, 1869.*

SIR: As requested in your letter of the 30th ultimo, I inclose herewith a copy of the correspondence between this office and H. L. Taylor, esq., United States agent for the Shawnee Indians, in relation to certain patents issued to members of Black Bob's band of Shawnee Indians.

As most of this correspondence in question has been conducted through Superintendent Murphy, I have inclosed the letters to and from that gentleman relating to the subject referred to.

Very, &c.,

N. G. TAYLOR,
Commissioner.

Hon. E. G. ROSS,
U. S. Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS, *April 6, 1869.*

SIR: Referring to your letter to this office of the 28th of February last, inclosing twelve deeds executed by Shawnee Indians, you are informed that on the 3d instant eight of said deeds, executed by members of Black Bob's band, were transmitted to the Secretary of the Interior for his approval. The following deeds, also executed by members of said Black Bob's band, I return herewith for correction, viz:

First. Hih-ta-cum-se and Su-e-quah, heir of Wah-kah-twah-gre-a-se, deceased, to I. C. Irvin.

The certificates of the agent and chiefs are not signed.

Second. Pe-ma-se to I. C. Irvin, same defect as in the foregoing.

Third. Samuel Dougherty, by guardian, as heir of Nah-sme-se-ma, deceased, to I. C. Irvin.

Error in description in the deed and in the certificate of the probate court. Description of the surveyor's certificate is correct.

The remaining deed from James Quining, heir of Widow Cornstalk, deceased, (an original minor,) to I. C. Irvin, will be transmitted to the Secretary of the Interior for his approval.

Very, &c.,

N. G. TAYLOR,
Commissioner.

General I. G. BLUNT,
Washington, D. C.

OFFICE OF INDIAN AFFAIRS,
DEPARTMENT OF THE INTERIOR, *April 7, 1869.*

SIR: I have received a letter of this date from the Hon. E. G. Ross, requesting that you be furnished with certain information in regard to the issuance of sixty-nine patents to members of Black Bob's band of Shawnee Indians.

The list of selections with the request that the patents be issued to the parties referred to was received at this office, April 19, 1867, with a letter from late agent, Job Abbott, dated September 30, 1866.

The patents dated June 10, 1867, and transmitted to Hon. Sidney Clarke, July 20, 1867.

I am unable to give you the date of the application of the Indians, for the reason that it was sent from this office with a report thereon to the Secretary of the Interior, May 14, 1867, and by that officer it was on the 16th of May, 1867, transmitted to the General Land Office, with his order for the issuance of the patents.

Very, &c.,

N. G. TAYLOR,
Commissioner.

THOMAS S. SLAUGHTER, Esq., *Present.*

WASHINGTON CITY, D. C., *April 7, 1869.*

SIR: Please furnish Mr. Slaughter, this morning, the date of the issue of the sixty-nine patents to members of Black Bob's band of Shawnee Indians.

Also, the date they were delivered to Hon. Sidney Clarke, and the date the application of the Indians for their patents was filed in your office.

Most respectfully, your obedient servant,

E. G. ROSS.

WASHINGTON CITY, D. C., *April 8, 1860.*

On the 21st ultimo I had the honor to submit for your consideration a protest against the approval of the deeds to land sold under and by virtue of patents issued to members of Black Bob's band of Shawnee Indians. In furtherance of the same object, and as an additional reason why the patents issued to those Indians should be recalled for cancellation, I beg to call your attention to the accompanying correspondence between the Commissioner of Indian Affairs and the United States agent of the Shawnees relative to the patents in question. A proper understanding of this remarkable correspondence, however, cannot be had without a brief reference to the first error that led to the complication of difficulties now surrounding this subject; nor can a just settlement of this matter be obtained until this first error is corrected.

While James B. Abbott was the United States agent of the Shawnee Indians he forwarded to the Indian Bureau, on the 30th day of September, 1866, what purported to be the application of sixty-nine members of Black Bob's band for patents to certain described portions of the land set apart in common, to the entire band, by the treaty of 1854. Agreeably with this application sixty-nine patents were issued on the 10th day of June, 1867, under a forced and unjust construction of the fourth article of the treaty of 1854. I say a forced and unjust construction of that article for the reason that it never could have been the intention of the parties to that treaty to place it within the power of a few dissatisfied, unscrupulous Indians to break up this common property at pleasure, to withdraw from the band and make selections of the most valuable timber and land, as has been the case under these patents, regardless of the rights and interests of the others, to force upon the band the very evil this compact body of land was intended to exclude, viz: a white population. The Indians interested in these lands and opposed to the division of the common property naturally looked upon the issue of patents as an outrage, and demanded their immediate cancellation. Their protestations at once opened the eyes of the Commissioner to the enormity of the wrong that had been perpetrated, and led to the issue of the order for the return of the patents and the correspondence I have called attention to.

The patents were issued on the 10th day of June, 1867, and forwarded to the agent on the 20th day of July following, and the receipt of the order to return them to the Indian Department acknowledged on the 20th December of the same year, with the information to the Commissioner that the order would be obeyed. Eight months thereafter we find the order for the return of the patents neglected and disregarded by the agent, at the expiration of which time, namely, on the 26th day of August, 1868, we find the Acting Commissioner of Indian Affairs reminding the agent of his official delinquencies regarding this matter,

and repeating the order recalling the patents. At this point the shifting jugglery of the agent begins to develop itself, and in his letter of the 19th September, 1868, his determination to retain possession of the patents in defiance of orders becomes less covert in character, and the protest of Indians, senators, and our representative fortifies him to still further disregard an order that should have been executed eight months before.

In vindication of his disobedience of orders he promises to forward a protest against the recall and cancellation of the patents from every member of Black Bob settlement. This shabby pretense, however, is entirely exploded in the fact that his promised protest (numbered eight in the correspondence) contains the names of but fifty-two persons, seventeen less than the number of patents issued, and the great majority of these women and children. So that his efforts to prove that the division of this reservation in severalty is acceptable to *every member proper* of the Black Bob settlement is a failure. When this failure to get the Indians to protest against the recall of the patents, as promised in his letter of 19th September, is taken in connection with the fact that Senators Pomeroy and Ross and Representative Clarke have likewise failed up to this day to place in possession of the department the existing state of facts promised, it will be readily seen how cunningly, systematically, and unjustly the Commissioner was thwarted in his efforts to recall the aforesaid patents.

If, however, there is remaining a single doubt regarding the corrupt influences that have thus far been brought to bear on this matter, a careful reading of the letter marked No. 6 in the correspondence, and dated October 23, 1868, and the answer of Agent Taylor thereto, under date of November 18, 1868, must certainly remove it.

Thus it is shown that the patents issued to members of Black Bob's band on the 10th day of June, 1867, never reached the hands of the patentees until the 24th day of August, 1868, over one year after they had left the Commissioner's office. Their history from the date of issue to the date and manner of delivery exhibits a determined, systematic effort upon the part of the agent to prevent their recall and cancellation. This fraud has been perpetrated in defiance of the orders of the department, and in a manner that shows the agent to be either wholly ignorant of his duties, or criminally associated with those who seek the control and ownership of these lands. The patents were retained in the agent's possession for months after he was ordered to return them, and finally delivered to the Indians in equal contempt of orders by a man that had no official connection with the Indian Department, and who has since been a prominent actor in the transfer of those lands to speculators, who boasts of his instrumentality in having the patents issued, and of his fixed determination to make money out of his connection with them. He is here to-day seeking the approval of the deeds in question, and if his influence is not direct and personal, it is none the less powerfully exerted to accomplish this end.

The patents to these Indians were issued in the interests of white men and entirely against the interests of the Indians. The highest interests of the Indians demand their immediate recall and cancellation. They claim the right to make their own treaty under the fourth and fifth sections of the act making appropriations for the Indian Department, approved March 3, 1863. (See United States Statutes at Large, vol. 12, p. 793.) The settlers on their lands demand as much. Their interests are identical—they are friends, and join their voices in a solemn, earnest protest against the approval of the deeds in question, and ask,

in the name of justice and right, for the recall and cancellation of these patents as contemplated in the Commissioner's order to Agent Taylor.

If, however, the department decides that these patents cannot be recalled, and that the lands so patented must be sold under and by virtue of them, we then submit that the department is in no way bound to approve the sales of these lands to speculators. These patents contain a provision prohibiting the Indian holding them from disposing of the land without the approval of the Secretary of the Interior. This provision is a distinct warning to purchasers that no deed from an Indian can give any vested rights until after the same has been accepted and approved by the Secretary, and any person, therefore, paying money to the Indian before obtaining this approval, does so at his own risk, and can ask no protection of the government for a risk he has thus assumed in the face of this provision in the patent. That this is a just and necessary precaution to protect the Indian from fraud, is too apparent to admit of a doubt. It is a necessary check upon Indian agents, and whenever removed will multiply their opportunities, already too numerous, to form corrupt combinations with unofficial rogues to rob the Indian at pleasure.

If the parties soliciting the approval of these deeds claim protection, by reason of money advanced, it should be simply looked upon in the light of an appeal to the charity of the department. And in granting a relief of this character it would be well, in order that this charity may not be misapplied, to look a little into the motives that actuated these men in buying the land in question. A careful reading of the papers I had the honor to file on the 21st ultimo will put you in possession of the fact that the lands described in the deeds to these parties were, long before they were patented or sold, settled upon and highly improved by settlers, under encouragement of letters from the Indian Bureau; that the parties who now talk of vested rights, by reason of money advanced, are seeking, through these fraudulent contracts, to get possession of improvements, in many instances of vastly more value than the land, without any compensation whatever; that the confirmation of these deeds would enable them to extort unreasonable and unjust amounts from honest poor men, over whose improvements and labor they would thus acquire complete ownership and control. These moneyed idlers ask the sympathy and aid of the government in this unholy effort to enrich themselves at the expense of the men, women, and children who have been endeavoring, with encouragement of the Commissioner, and amid privations and suffering, to establish homes on these lands.

In the hope that justice may be done to the poor Indians, and to the poor people on these lands, I have the honor to be, very respectfully, your obedient servant,

T. S. SLAUGHTER,
In behalf of Indians and Settlers.

Hon. SECRETARY OF THE INTERIOR.

It is proper to state in addition, that the lands selected and patented are the richest and most valuably located of the reservation, while the remaining portion embraces thousands of acres of very rocky and almost worthless land. Thus some Indians would secure land under these patents ten-fold greater in value than others would be forced by this division to take. The settler, too, is willing to pay more for the land than it has been sold for under these patents.

T. S. SLAUGHTER.

WASHINGTON, D. C., *April 12, 1869.*

SIR: The interest involved in your action on the Shawnee question is one of such vast importance to the Indians, that I have felt it to be my duty to have counsel in the matter, and have, therefore, obtained the assistance of Judge Johnston, who is familiar with the condition and want of their people. I have, therefore, to say that he is now on a sick-bed, and desire you to postpone action until his recovery. In the name of the Indians, whose best interests and rights are in jeopardy, I beg you will comply with his request.

Very respectfully,

ABELARD GUTHRIE,
In behalf of said Indians.

Hon. J. D. Cox,
Secretary of the Interior.

WASHINGTON CITY, D. C., *May 1, 1869.*

SIR: Certain deeds to land, sold under and by virtue of sixty-nine patents, fraudulently issued to members of Black Bob's band of Shawnee Indians, are now in your hands for official action. In behalf of the headmen of that band of Indians, and in the interest of twelve hundred white people living on the land set apart in common to Black Bob's band, I herewith submit a solemn protest against the approval of any of the deeds aforesaid. A few facts will illustrate their injustice, and show why these lands cannot be equitably divided in severalty among the Indians.

This reservation consists of a township and a half of land, and is part of a large tract embracing two hundred thousand acres ceded to the united Shawnee nation by the treaty of 1854. This treaty was peculiar in some of its provisions. It did not contemplate that the Indians should enjoy the whole tract, as the quantity for each individual was limited to two hundred acres. It recognized that part of the land could be held in common and part in severalty. If held in common, they were to be assigned in a compact body; if in severalty, the privilege was conceded of selecting anywhere in the tract outside of the common lands, and it also provided that the unselected lands should be sold by the government, and the proceeds applied to the uses of the Indians. The Indians who held separate states were to have patents issued to them, with such guards and restrictions as Congress should deem advisable for their protection. Congress afterward (11 Statutes at Large, pp. 430-431) directed the lands to be patented subject to such restrictions as the Secretary of the Interior might interpose.

Under the provisions of the treaty of 1854, a body of land equal to two hundred acres to each individual was set off, in a compact body, to Black Bob's band.

This compact body of land was selected with a view to preventing the evil effects arising from the occupancy of the same territory by the Indians and whites—an object that could not be attained under the severalty system, and to secure which these Indians sacrificed the advantages afforded under the allotment system of selecting their homes from an extensive and varied domain. They have always maintained a distinct organization from the severalty Indians, and made but little, if any, progress in agriculture or civilization. They would derive no advantage whatever from a division of their land—a worse calamity

could not befall them. Such a policy would place them under the pernicious influences of bad white men, and would result in their entire impoverishment and degradation.

But, aside from all considerations of humanity, the principles of equity forbid the division of this land in severalty, as a few facts will fully demonstrate.

The Indians, now holding their lands under patent from the government, made their selections at an early day from a body of land largely in excess of the aggregate amount they were entitled to hold. They had the privilege, therefore, of selecting the best timbered, the richest, and most abundantly watered tracts embraced in a vast extent of country; while the Indians holding their lands in common have only an amount of land to select from equal to the exact number of acres (two hundred) that each individual is permitted to hold. As this land is of vastly unequal quality and value, and of a character to render an equitable division in severalty impossible, the issue of the sixty-nine patents was a gross violation of their legal and equitable rights. Their history, in fact, is a history of official corruption and fraud, and may be studied with profit by the government, the Indians, and the people.

The facts of their issue are these :

While James B. Abbott was the United States agent of the Shawnee Indians, he forwarded to the Indian Bureau on the 13th day of September, 1866, what purported to be the application of sixty-nine Indians of Black Bob's band for patents to certain described portions of the land set apart in common by the treaty of 1854.

Agreeably with this application, sixty-nine patents were issued on the 10th day of June, 1867. The Indians interested in these lands, and opposed to a division of the same, denounced their issue as a fraud, and petitioned the Commissioner to recall them. The lands covered by these patents embrace the most valuable timber and prairie of the reservation, and are worth in value from ten to twenty times as much as other portions that would necessarily fall, under this division, to the lot of others. These selections were undoubtedly intended to embrace, for purposes of speculation, the most valuably located lands. These facts having been represented to the Commissioner by certain members of Black Bob's band, a protracted correspondence passed between the Commissioner and the Shawnee agent, with a view, on the part of the Commissioner, to having the patents recalled; and, as is proven by the correspondence and the results, a studied determination on the part of the agent to retain possession of them. As the orders and letters embraced in this correspondence constitute positive proof of *fraud* in the *delivery* of the patents to the Indians, I herewith transmit it entire. From this remarkable correspondence, we learn—

First. That Agent Taylor was ordered to return the patents to the Commissioner; that the receipt of this order was duly acknowledged by the agent several months before the patents were delivered to the Indians.

Second. That, according to Agent Taylor's own confession, November 18, 1868, the patents were *fraudulently delivered* to the Indians by James B. Abbott, a person who had no official connection with the Indians and no authority whatever to deliver them.

Their delivery, therefore, should be declared by an order of the department *null and void*. Their delivery was as much a *fraud* as if they had been stolen from the department. It cannot be denied that delivery constituted an essential feature in any deed of conveyance; and, barring

all other objections to the validity of these patents, this fact alone would fully justify their revocation.

These Indians are under the immediate care and protection of the government, and it is its solemn duty to protect them from this fraud, and to see that no division is made of their lands that does not give to each an equal share in the common property. This is the plain demand of justice in this case, to meet which the Congress of the United States have wisely given the President authority to enter into treaties with the Indians of Kansas, holding their lands in common, for the extinction of their titles and for their removal. (See U. S. Statutes at Large, p. 793.) They are in the most deplorable condition, and should receive the immediate attention of the government—some prompt relief; but it would be a cruel relief to extend them temporary assistance through the selfish hands of speculators, or for that purpose to place it within the power of these poor people to squander an inheritance that should, by the judicious management of the government, secure to them all the blessings of Christianity and civilization. Having always acknowledged their dependence on the government of the United States, they earnestly invoke its protection against this illegal, unjust, and fraudulent division of their land.

The enormity of this fraudulent issue of patents, however, does not stop with the ruin of the Indians, but the homes and interests of twelve hundred white citizens of Kansas are likewise involved in this unmitigated swindle. Long before these patents were issued, the Indian bureau had encouraged the settlement of these lands by the whites, as the accompanying letter from the Hon. D. A. Cooley, while Commissioner of Indian Affairs, will fully attest. Mr. Cooley's letter was universally accepted by the emigration to Kansas as an official assurance that the Black Bob reservation was open to settlement. At the date of this letter the lands in question were unoccupied and unimproved by the Indians; they had abandoned them some four years before that date, and it was not supposed, by any one, that they would ever return. Negotiations had actually been completed at that time with the Creek Indians for the purchase of a reservation for this band to occupy. On the receipt, therefore, of Mr. Cooley's letter, no one doubted for a moment but that this reservation was about passing into the possession of the government under treaty stipulations that fully protected the settlers. This letter was looked upon as an official assurance of that fact, and because of its promises of protection to the settlers, both present and prospective, every quarter section of this land has been settled upon and improved; costly dwellings have been built, schools have been organized, orchards have been planted, and thousands of acres have been fenced and put under cultivation. The aggregate of these improvements would not fall short of two hundred thousand dollars, and constitute, at this time, the dependence of twelve hundred people.

In addition to this letter of 20th January, 1866, Mr. Cooley again, on the 19th of July following, in answer to a letter to Mr. J. N. Nichols, emphatically repeats his assurances to the settlers on these lands in the following language: "As was stated in a letter from this office to the honorable Sidney Clarke, to which you refer, the recent treaty with Black Bob's band makes a suitable provision for the white settlers on the lands of that band."

In addition to the above, and as late as February 14, 1868, late Commissioner Taylor, in an official letter to Hon. O. H. Browning, Secretary of the Interior, in reference to the same subject, says: "The treaty of 1854 contained no provision under which settlers upon the lands in ques-

tion (Black Bob's) can acquire rights thereon, *but the Shawnee treaty now pending before the Senate contains a liberal provision for such settlers.*"

The settlers occupy these lands, therefore, with the sanction of the Indian Department, thrice repeated, and on the faith of these official pledges that they would be protected in the right to acquire title, they have made valuable and permanent improvements.

Earnest and honest themselves in their efforts to secure homes, they believed the representations of the high officials having the immediate control of these lands to be equally earnest, equally honest.

But while they have been engaged, on the faith of these assurances of protection, in opening up a new country to civilization, and increasing, by hard labor, the productive resources of the country, other parties, not settlers on these lands, have been at work to secure, without compensation and by fraud, the fruits of their honest toil.

The correspondence between the Commissioner and the Shawnee agent, a copy of which accompanies these papers, in connection with the affidavits herewith inclosed, furnishes ample proof of complicity between the agent and James B. Abbott to secure, by fraud and falsehood, the retention of the patents and the control of the lands embraced in them. I say falsehood, for the reason that Agent Taylor made a studied effort to represent the Indians entirely satisfied; but with all his official influence over them he was enabled to secure but fifty-two names to the protest he forwarded against the recall of the patents, after promising to secure the name of *every member proper of the band*.

Senators Pomeroy and Ross, and Representative Clarke, whose names are affixed to a letter to the Commissioner promising to furnish that office with certain facts that would satisfy the department to suspend the order recalling the patents, now deny, each and all of them, all knowledge of any facts in the case, and state that they signed the same upon the representations of the parties interested in the issue of patents.

Thus my assertion of falsehood is fully justified by the facts in the case, and that fraud was practiced in the delivery of the patents to the Indians is too plain to require one word of comment.

I would, therefore, in view of the fraud in the delivery of the patents, respectfully but most earnestly submit that an order should be issued declaring the issue and delivery of the patents *null and void*; that in view of the pledged faith of the department to the settlers, no disposition should be made of these lands that does not fully protect them in the right to acquire title; that the Indians being now scattered and dispossessed of their lands, should be collected together, fairly treated with, and removed, under government protection, to the Indian Territory, where they have expressed a willingness to go.

The high character for justice conceded to the present administration by all parties forbids the idea that the government intends to withhold its protection and care from the laboring men and women on these lands, and give its sympathy and aid to the opulent and idle who are seeking, by fraud and falsehood, the ruin of their fellow-men.

Most respectfully,

T. S. SLAUGHTER,
Attorney for Settlers and Indians.

HON. SECRETARY OF THE INTERIOR.

This paper to be substituted in place of the protest I have already filed on same subject.

The copy of correspondence between the Commissioner of Indian Affairs and Shawnee agent, and the paper signed by headmen of the

band, as well as the affidavits accompanying former protest, to be considered in connection with, and made part of, this paper.

T. S. SLAUGHTER,
Attorney for Settlers and Indians.

WASHINGTON, D. C., *May 7, 1869.*

SIR: You yesterday read a note from Senator Ross presenting a charge or charges against me. I ought to have requested these charges to be made known to all present at the time, but neglected it, as I did many others things that I ought to have said on that occasion. But, unfortunately, I never have presence of mind to say what I ought to say at the proper time. I was astonished at the broad falsehood of Blunt, Abbott, and Taylor, and beg you will have a full investigation of this whole Shawnee business on the ground. The very atmosphere stinks with their corruption in Kansas, as you will find out when the proposed investigation takes place.

Please send me a copy of Senator Ross's note and the charges accompanying it.

Very respectfully, your obedient servant,

ABELARD GUTHRIE.

Hon. J. D. Cox,

Secretary of the Interior.

It is remarkable that my pamphlet on the Shawnee question is not among the papers in the case. I inclosed it with my protest against the issuance of the patents, and refer to it as a part of my statement. It is a truthful history of the controversy to its date, but not so minute as it should be.

A. G.

No such printed paper as herein referred to received, as Mr. White can testify.

A. G.

Action: Sent to the Commissioner of Indian Affairs with Secretary's letter of June 3d, 1869.

WASHINGTON CITY, D. C.,
May 7, 1869.

SIR: I have the honor to submit the following statement, touching the subject under consideration before you on the 6th instant, relating to the Black Bob Shawnee lands, and other matters in which the Shawnee Indians were interested.

I entered upon the discharge of my duties as United States Indian agent for the Shawnee tribe of Indians on the 16th of June, 1861. Some time in the fall or early part of the winter of said year, Mr. Abelard Guthrie called at my house, congratulated me upon my appointment, and informed me that it was through his influence that my position as Indian agent was secured to me. I informed him that I knew nothing as to whose influence secured me the position, that the first notice I had of my appointment I saw in the New York papers, but I supposed I was under obligations to our United States senator for the favor. Mr.

Guthrie then informed me that there was due the Shawnees from the government somewhere from \$150,000 to \$300,000, under old treaty stipulations; that it was necessary they should have an attorney in Washington City to examine the books and papers in the Indian office, in order to procure the necessary evidence to establish their claim upon which to ask an appropriation from Congress, informing me at the same time that he was entirely familiar with the subject, and requested me to intercede with the council and procure his appointment as said attorney, with a compensation for his services of fifty per cent. for all moneys collected; also stating that he believed he could procure the amount due within one year. I informed him that this was a matter I knew nothing of, but that I would inquire into the subject, and if I found it necessary that the Shawnees should have an *extra agent* to attend to said matters, and he could demonstrate that he was as competent as any one they could obtain and would perform the service at as reasonable a rate, then I would do what I could consistently to procure his appointment. This proposition did not seem to satisfy him; he then showed me a draft of a contract, which he urged me to get signed by the chiefs of the tribe, in which it was stipulated that he was to receive fifty per cent. of all moneys collected from the government, and he assured me that he would do the handsome thing by me if I succeeded; but after being told that I would not change my determination in the matter, he left, but stated that he would return soon and see me again. The next day he called, but I was absent, but he wrote a letter to me and handed it to my wife for delivery to me, in which he assured me that if I would procure the signatures of the chiefs to the contract which he had shown me he would pay me \$5,000.

A short time after this I called at Mr. Charles Bluejacket's, a Shawnee Indian, who had been elected head chief of the tribe, but whose term of office had not commenced, and while I was there Mr. Bluejacket informed me that Mr. Guthrie had left a draft of a contract for him to sign, making him attorney for the tribe. Mr. Bluejacket informed me that he told Mr. Guthrie that he was not yet the chief, and nothing he could do would not bind the tribe, but that Guthrie's response was that would make no difference, *he could manage that*, and offered him \$5,000 if he would put his signature to the paper as the head chief. While I was there Mr. Guthrie called for the paper and inquired if it was signed. Mr. Bluejacket replied that the chief had as big a load to carry as he could stand up under, without taking on a load before he got into his office, and if he should sign that paper he would be crushed before he got in, and must be excused.

Mr. Silverheels, one of the oldest members of the council, and Mr. Graham Rogers, who was then chief of the tribe, informed me that Mr. Guthrie had offered each large bribes to secure their influence in procuring the appointment. This failure of Mr. Guthrie's seemed to embitter him not only against myself, but against the chiefs and the council, the result of which has been shown on every possible occasion from that time to the present.

In the winter of 1861 and 1862 I was notified that Mr. Guthrie had succeeded in getting a bill through the United States Senate appropriating out of the Shawnee annuities \$54,000 to be paid to him, in consideration of lands and annuities he alleged to be due him and his family as Shawnee Indians. I immediately called the Shawnee council together to ascertain on what he based his claim, at which meeting evidence was produced from which the following facts were shown: That Mr. Guthrie was a white man; that he married a Wyandott woman,

while the Wyandotts lived in Ohio, by whom he had four children; that a number of years after the Wyandotts moved to Kansas he followed them there, and resided a short time with Captain Joseph Parks, who was at that time chief of the Shawnees; that owing to the friendship that existed between the families of Captain Parks and Guthrie, Captain Parks invited Mr. Guthrie to remain and unite with the Shawnee tribe; that he refused to do so on the ground that the Wyandotts were receiving large annuities and intended soon to make a division of their lands; that Guthrie and family did go over to the Wyandotts, received his share of the lands and annuities, and was recognized not only by the Wyandotts but by the Indian department as a member of said tribe; that after he had obtained his share of land and annuities from the Wyandotts, he demanded of the Shawnee council that he and his family should be received into the Shawnee tribe, which demand was referred to the grand council on general election of the whole tribe, where all but three votes were cast against his being received; Guthrie then appealed to the Secretary of the Interior, which appeal was referred to the United States agent for the Shawnees (B. J. Newsom) for his investigation and opinion. The investigation was most thorough, and the opinion of the agent was that Mr. Guthrie and family had no claims upon the Shawnees for membership; the testimony was sent to the Secretary and the opinion of Agent Newsom was sustained. The above facts with the evidence was forwarded to the chairman of the Committee of Indian Affairs of the House of Representatives, and when Mr. Guthrie's bill came up it was defeated.

The Shawnees supposed that the case was then settled, but soon after Mr. Guthrie succeeded, by deception, in securing the signature of Senator Lane to a letter, requesting the Secretary of the Interior to retain \$10,000 out of the Shawnee annuities, to be paid to one Abelard Guthrie, upon a certain showing. Being notified of that fact, I took a delegation to Washington City, called upon Senator Lane, and the subject being brought to his attention, he stated that Guthrie brought a letter to him one day when he was very much engaged, and asked him to sign it, representing that it was asking for an investigation of some matters in which he, Guthrie, was interested, and supposing that an investigation could do no one any harm, except Guthrie himself, he signed it to get rid of him. The next morning Senator Lane called on the Secretary and withdrew the letter, at the same time apologizing for having signed it before carefully noting its contents.

Guthrie then managed to procure instructions to Superintendent Branch (who made the Shawnee annuity payments) to investigate the rights of Abelard Guthrie and family to annuities as Shawnees, and, if found entitled, to place their names on the pay-rolls of the tribe.

Upon examination of the Wyandott pay-rolls, which Superintendent Branch had with him, he found the names of Mr. Guthrie and family, also the receipt of Guthrie for annuities recently paid, and by reference to the ruling of the Secretary of the Interior, (a copy of which was found in my office,) the purport of which was, that no Indian was entitled to annuities from two tribes at the same time, Superintendent Branch decided that Guthrie and his family were not entitled to be placed upon the Shawnee pay-rolls.

Thus it will be seen that Guthrie had taken his case before every possible tribunal, and by every tribunal had been defeated. But Guthrie was not discouraged, or if he was, he did not give up the fight.

He immediately formed an alliance with one Paschal Fish, a Shawnee Indian, who had been once elected chief of the tribe, but on account of

his incompetency had been requested to resign by those who had been most influential in having him elected, and who was still smarting under the disgrace which he deemed was resting on him, was induced, by Guthrie's flattery and promises of position and profit, to join with him in an endeavor to rule out all of the severalty members of the tribe and, if possible, to procure the recognition of the department of only the members of the Black Bob settlement as the Shawnee tribe of Indians.

To this end every possible means was resorted to by Guthrie to create a division between the Black Bob and severalty Indians. Powers of attorney, petitions, and protests claiming to emanate from the Black Bob band were sent to the department and congressional committees, that the Black Bob band never saw, or, if seen by them, they knew nothing of their purport. Every spark of jealousy was fanned to a flame, and in order to prejudice the department against the headmen, they were constantly being charged with disloyalty to the government. The unscrupulous, and what was known, or rather those who claimed to be excessively loyal men of our State, were robbing them of thousands of dollars' worth of horses and other property, set on by Guthrie and his emissaries under the same pretense, while the facts showed that there is not an instance where a Shawnee Indian was disloyal during the rebellion.

The agreement between Mr. Guthrie and Paschal Fish, as related to me by Paschal Fish himself, was, that if Guthrie succeeded in having the severalty Shawnees ruled out of the tribe, Fish was to be made chief, and Guthrie was to be paid his claim of \$54,000, the items of which (as given by himself) were five selections of land, which he valued at \$100 per acre, and annuities amounting to \$4,000, making an aggregate of \$54,000.

This policy was pursued until, by a decision of the United States Supreme Court, it was established that the several Indians were beyond a question members of the Shawnee tribe; but prior to the rendering of that decision by said court, a large number of the members of the Black Bob band had become disgusted with the proceedings of Guthrie and Fish and began to consider as to the best means of relieving themselves of their annoying presence, and quite a number applied to me to know if they could not make selections of land, and on being informed that they had the right, they made application to the council for advice regarding the matter. The council for the tribe discouraged the making of selections, but finally, after considering the subject for two or three months, concluded that if the Black Bobs should make selections, it would have a tendency to harmonize and unite the tribe, and it was decided that if any wished to make selections, the council would render the necessary assistance, and Mr. Charles Bluejacket, one of the most competent and honest men of the tribe, was appointed to assist them, and during the summer and fall of 1866, sixty-nine selections were made and applications for patents for the same were sent to the Commissioner of Indian Affairs. Early in the spring of 1867 the patents were issued, and some time in the fall of said year, immediately on the reception of the patents, the patentees (being in a destitute condition and winter coming on) made sale of some portion of their lands. Shortly after the patents were received, Mr. Guthrie called at my house and requested an interview with me; he commenced by stating, "We have had a long war, but that was while you were agent for the Shawnees." He did not blame me for standing up for the interests of those Indians, but he supposed that as I had now ceased to be their agent, I would not object to making some money. I replied, "I have never been adverse to money-making,

provided I could make it legitimately, and was very willing to make it on that basis." He then showed me a plan of a treaty, and stated if such a treaty could be made with the Shawnee tribe of Indians, at least \$150,000 would inure to the benefit of those instrumental in bringing about the negotiation of it; also, he was satisfied I had influence sufficient with the Shawnees to secure the making of such a treaty as he proposed. The main provisions of the treaty were: 1st. To have the Black Bob patents withdrawn. 2d. To provide for the sale of their reservation, together with the *Absentee Tract*. 3d. To make citizens of the severalty Shawnee Indians, &c. He stated that he had a plan by which he could purchase said lands at \$1 25 per acre, *on time*, and that he would soon be able to realize from the sale of the lands \$10 per acre; that the white settlers had no rights on the lands, and he would sell the lands to those persons who would pay the most for them. I told him he was asking me to adopt a policy that was entirely at variance with the one I had deemed it my duty to recommend while I was an agent for the Shawnee Indians, and whose rights and interests I was then endeavoring honestly to defend, and that his idea of my influence with the Shawnee Indians was giving me far more credit than I deserved, if he presumed that I could induce them to sign such a treaty as he exhibited to me on that occasion; that, in the first place, the headmen of the tribe were men of good judgment and sound sense, had a large experience in treaty-making, having made a treaty almost every year for the last seven years, and my experience was, that I nor no other man could induce them to do anything contrary to the dictates of their own judgment and experience, and that after a full consideration of the subject. I told him, also, that he proposed to do in the treaty what neither the Shawnee Indians nor the government could do, which was to recall and cancel the patents issued to the Black Bob band of Indians; that the selections having been made strictly in accordance with the treaty stipulations, and that the patents having been issued under a law of Congress authorizing such issue, that the lands subsequent to the issue of the patents had been conveyed in accordance with the rules and regulations of the Secretary of the Interior as provided by law; therefore, purchasers of said lands made their purchases based on said patents and held vested rights in the lands so bought and patented, and before the patents could be canceled, he would have to obtain not only the consent of the government and the patentees, but also the purchasers', and this I assured him could never be done. I also told him that I could not comprehend how he could purchase the land for \$1 25 per acre, and that I nor no one else could by any means induce the Shawnee Indians to consent at present to become citizens, and I considered what he deemed the most important provisions of the treaty he proposed wholly impracticable, and if they could be adopted, would do great injustice to the real parties in interest.

Guthrie then told me he would not ask me to take any risks in the final results, but would, on my obtaining the signatures of the council, pay me \$20,000, and would immediately enter into bond, give me the most substantial man in the State of Kansas, pecuniarily, as security for the fulfillment of the contract, stating at the same time that he had an understanding with men in high places, by which he could easily secure the ratification of the treaty, and make the proposed purchase of the lands, and told me if the sum mentioned was not sufficient to name the price.

I assured him that no money consideration was necessary to induce me to work heartily to secure the adoption of any plan that would con-

duce to the best interests of the tribe, nor could he name a consideration that would induce me to work against what I deemed to be their interest; that they had shown themselves to be my friends, and I had no right to be other than theirs. I then left home and was away for a few days, and on my return I found that Guthrie had been to my house, and was also informed by H. L. Taylor, agent for the Shawnees, that he had applied to him for assistance in the matter of the same treaty, and had proposed to give him \$40,000 to perform what he had only offered me half the money to accomplish for him.

I heard no more of the subject until some time in the latter part of the January following, to the best of my recollection, and while I was in the State senate as a member of that body, at Topeka, I received a notice from Superintendent Murphy, that he desired to see me at the Shawnee agency, and upon my complying with his wishes, I was informed by him that he had instructions from the Commissioner of Indian Affairs to investigate some charges that had been preferred against me by the Black Bob band of Shawnee Indians, and that he deemed it proper that I should have an opportunity to be present at the investigation and make my defense. I asked him to allow me to see the charges, and upon examining the papers he exhibited to me, I found a preamble setting forth, among numerous other charges, that while I was agent for the Shawnees I had used an undue influence with members of the Black Bob band, to induce them to make their selections of land, by paying them money, whisky, &c. And the preamble was followed by a petition asking that an act of Congress should be passed, authorizing the recalling of their patents and cancellation of the same, the sale of their lands and the payment of all just claims, or, in other words, pay Mr. Guthrie's claim, which paper had *apparently* been signed by some twenty members of said band.

Upon a careful examination of the paper I came to the conclusion that the preamble and petition was concocted in the brain of Guthrie, and the signatures had been forged thereto. I told Superintendent Murphy that from considerations following, I would not attend the investigation, which were that it might be charged that I used my influence to procure such testimony as would be favorable to myself, but I asked as a special favor to me that a most searching and complete investigation should be had; to take the precaution to secure at least three good interpreters, one of whom should interpret his questions and answers thereto; the other to see that the questions were honestly interpreted to the Indians and answered in the same spirit. This being done I felt sure that he would find my impression with regard to the forgery of the names was correct.

The investigation was taken on the Black Bob reservation, about twenty miles from the office of the agent. I remained at the office until Superintendent Murphy returned, and then upon examining the evidence adduced, I found that nineteen out of twenty names attached to the paper embracing the charges were forgeries and only one was genuine, and that one obtained by misrepresentation and fraud, and I hesitate not to say that from my knowledge of Guthrie's manner of getting up Indian papers, I was neither astonished nor surprised.

As to the charge that I understand has been made that purchases of land upon the Black Bob reservation were made before the patentees knew that their patents were received, I have this to say, that of my own knowledge I know that no such occurrence ever took place in the agent's office, nor did I ever know of a case where a contract or an attempt to make a contract with a Black Bob Indian, for the purchase of

his or her land, prior to the reception of the patents at the agent's office, or even before the knowledge of the reception of the patents by the patentee, except in one case, and that where a white settler had induced an Indian to make a selection upon his, the settler's claim.

All of which is respectfully submitted.

I am, sir, very respectfully, your obedient servant,

JAS. B. ABBOTT.

Hon. J. D. COX,

Secretary of the Interior.

Sworn to and subscribed before me this 8th day of May, 1869.

CHARLES P. WEBSTER,

Justice of the Peace for District of Columbia.

Action: Sent to Commissioner of Indian Affairs with Secretary's letter of 3d June, 1869.

WASHINGTON, D. C., May 7, 1869.

I certify on honor that Abelard Guthrie (an adopted Wyandott Indian) came to my office in Johnson County, Kansas, some time in the fall of 1867, and said that he wanted to have a private interview with me. His request being granted, he proceeded to state in words and substance as follows:

I have a plan on foot by which you and I can make a handsome fortune in this way. I want you to join in with me and secure the recall and cancellation of the patents recently issued to members of the Black Bob band of Indians, then assist me in defeating the present Shawnee treaty now pending the action of the United States Senate. That done, we will get up a new treaty, in which we will provide for the disposition and sale of the Black Bob lands in one body at a price not to exceed one dollar and fifty cents per acre. I have an understanding with a few of the leading men of the Black Bob band to have the treaty and sale thus made ratified, and all that is necessary for the successful execution of this plan will be your co-operation in the premises. I also have a friend who will furnish the money and buy the lands, then sell them to the best advantage and divide the profits; your share of which, I will guarantee not to be less than forty thousand dollars.

He further stated that he did not wish me to say anything about the proposition to James B. Abbott, for he was a "grand villain," and could not be trusted in a matter of so much importance as this.

I replied to him that neither my instructions nor oath of office, nor my sense of justice toward the Indians, would permit me to engage in the perpetration of such an enormous swindle, and that I could not entertain his proposition.

Mr. Guthrie has not spoken to me since.

H. L. TAYLOR,

United States Indian Agent.

Hon. W. T. OTTO,

Acting Commissioner Indian Affairs, Washington, D. C.

Sworn to and subscribed before me this 8th day of May, 1869.

CHARLES P. WEBSTER,

Justice of the Peace for District of Columbia.

Action: Sent from Interior Department to Commissioner of Indian Affairs June 3, 1869, with Secretary's letter.

DISTRICT OF COLUMBIA, *City and County of Washington :*

Personally appeared before me, Graham Rogers, who, first being duly sworn, deposes and says: That he is the head chief of the Shawnee tribe of Indians in the State of Kansas; that he is familiar with the subject of the issuing of patents to certain members of the Black Bob settlement of Shawnee Indians; that they made selections of lands allotted to them in common; that they made such selections of their own free will and accord; that he was present either at the time they made sales of portions of the lands embraced in these patents, or has subsequently talked with them in regard to such sales; that he has never heard one of them complain of being cheated or swindled in the sale of his or her land; that he believes that both the selections and sales were free from fraud, and further says that he knows of quite a number of instances in which the patentees had gone to settlers and made known to them that they had received their patents and offered to sell to them, but the settlers almost universally refused to purchase of them, claiming as a reason, that the Indians had no title to the lands nor ever would have, and that the patents were forgeries whereupon the Indians made sales to other parties. He also states that Abelard Guthrie came to his house in the year 1861, and wanted him to influence the Shawnee council to employ him (Guthrie) as their agent to collect certain claims for the tribe, saying to him that if he would secure his appointment he (Guthrie) would pay him well for his influence; that he (Rogers) should have all the money he wanted as long as he lived. Deponent further states that Guthrie said that if he got the appointment it would make him the financial agent for the tribe, out of which he could make a fortune, and could afford to pay deponent well. Deponent replied to Guthrie that he would have nothing to do with any such scheme.

GRAHAM ROGERS,
First Chief.

Subscribed and sworn to before me, a justice of the peace in and for the county of Washington, D. C., this 8th day of May, 1869.

WILLIAM MARTIN, JR.

Action: Sent from Interior Department to Commissioner of Indian Affairs, June 3, 1869.

WASHINGTON, D. C., *May 10, 1869.*

SIR: In my letter to you of the 22d of March, remonstrating against the approval of the Black Bob Shawnee Indian patents already issued, and of sales alleged to have been made under them, and against the issuance of any more patents to members of this band or tribe, I inclosed a printed paper or pamphlet as a part of my remonstrance. I have learned that this pamphlet is not among the papers in the case now before you. It was prepared and printed as the best way of getting the facts before the Senate of the United States when a treaty inimical to the rights and interests of those I represent was pending the ratification of which it was my duty to defeat. This treaty was not ratified. I have but two copies of the pamphlet left, and now send you one which I trust you will read. The statements therein are strictly true. I condensed them as much as possible, hoping thereby to secure a hearing from those

who were to act on the case, and have consequently left out some things that I should have said.

I have been faithful to the rights and interests of these poor Indians, and the fact that I have stood between them and the swindlers who hoped to make fortunes out of their property is my only offense, and is the sole cause of the vindictive persecution they are waging against me. You can hardly have failed to discover the *animus* of this infernal war upon me. I can truly say that throughout my whole life, though I have much to regret, I have done nothing that should call forth a blush on an honest man's cheek. It is my misfortune always to be on the side of the poor and the weak, and I am sorry to have to say that my fidelity to them has brought upon me the hatred of the rich and strong whose interests were antagonistic to my duty.

On the day of the general hearing, last week, you doubtless observed a paper handed around among the conspirators stated to be a disavowal of the Black Bob Shawnees of my right to represent them here. I have no doubt this paper is a forgery. It is not the first time this crime has been resorted to to injure me and to ruin these people. In fact, the whole history of these patents is but a series of frauds from beginning to end. It is the villany of these men and others engaged in similar pursuits that has brought the Indian Bureau into such bad odor. I shall prepare a history of some of their transactions in a short time, based upon unquestionable evidence, which will show a system of villany unparalleled in any government.

The headmen of the severalty Shawnees are the willing instruments of the swindlers in their efforts to get hold of the Black Bob lands. The inclosed affidavit of Captain Bogy will show the true relation of August Taylor towards these severalty Shawnees. Throughout his official career he appears to have acted in the double capacity of agent and attorney, for there has been a long controversy between these two parties of Shawnees as explained in my pamphlet. Captain Bogy is a brother of Lewis V. Bogy, late Commissioner of Indian Affairs, and I understand is a gentleman of high character.

Taylor and Abbott spend a considerable portion of every year in Washington log-rolling through the department the deeds they get from the Shawnees during the rest of the year. Abbott is a real estate agent; Taylor the Indian agent. They have their offices under the same roof, I think in the same room. The connection appears to be mutually profitable and is positively infamous.

Very respectfully, your obedient servant,

ABELARD GUTHRIE,
Attorney for Common Shawnees.

Hon. J. D. Cox,
Secretary of the Interior.

STATE OF MISSOURI, *County of St. Louis, ss:*

Charles Bogy, of said county and State, being duly sworn, says: That on the cars between Kansas City and St. Louis he met with Colonel Taylor on his way to Washington City, with a delegation of Shawnees; and that the said Colonel Taylor told him, the said Bogy, that he was the attorney of said Indians, and not their agent, but that one of the Shawnees named King told him, the said Bogy, that he, the said Col-

onel Taylor, was their agent. This conversation took place on or about the — day of December, 1867.

CHAS. BOGY.

Sworn to and subscribed before me this 18th day of March, 1869.

Witness my hand and notarial seal.

[SEAL.]

JOSEPH L. SAPIN,

Notary Public, St. Louis County, Missouri.

Action: Sent from Interior Department to Commissioner of Indian Affairs with Secretary's letter of June 3, 1869.

WASHINGTON, D. C., May 10, 1869.

SIR: It will become necessary in the investigation of the case of the Black Bob Shawnees that we have a copy of the report of Superintendent Murphy on that subject; also, a statement giving the names of the Black Bob Shawnees to whom patents have been issued, with description of the lands embraced in each of said patents; also, a statement showing to whom the patentees have made sales, the names of the grantor and grantees in each particular case, and the consideration mentioned in each deed; also, a sectional map of the Black Bob reserve, with the lands patented *marked thereon*.

As much stress is laid on Major Murphy's official purity, in connection with his report, we also ask for a copy of the very serious charges made against that gentleman, while superintendent, of Mr. Lawler.

We respectfully ask that you will have the information above indicated furnished to us at an early day, that we may proceed at once in the investigation of this case in the manner indicated by you this morning.

Very respectfully,

T. S. SLAUGHTER,

ABELARD GUTHRIE,

In behalf of the Black Bob Shawnees.

Hon. J. D. Cox,

Secretary of the Interior.

Action: Sent from Interior Department to Commissioner of Indian Affairs with Secretary's letter of June 3, 1869.

STATE OF KANSAS, *Johnson County, ss:*

William Thomas, of lawful age, being first duly sworn, deposeth and saith: That he is a resident of the county and State aforesaid; that he is a settler on the Black Bob land; that he was present at the United States Indian agent office for the Shawnees when settlers were purchasing land; that they had no trouble in purchasing the same; and that Colonel H. L. Taylor told affiant that he would prefer that the settler should buy the land at the same price in reference to anybody else. Further affiant saith not.

WILLIAM THOMAS.

Sworn to and subscribed in my presence, this nineteenth day of May, A. D. 1869, at Olathe.

[SEAL.]

W. A. OCHELTREE,

Notary Public.

THE STATE OF KANSAS, *County of Johnson, ss :*

Jacob Nichols, of lawful age, being first duly sworn, on his solemn oath saith: That I am a resident of said county and State, on what is known as the "Black Bob lands;" that at divers times, within two years last past, James B. Abbott hath told this affiant that he, this affiant, should inform the settlers on said lands, that if the settlers would send to him the numbers of the land which they desired, he (Abbott) would purchase the land for them at a fair price or fair compensation, or that, if they desired to purchase in person their lands, he (Abbott) would give them the name of the Black Bob Indian who owned the land, and that he (Abbott) would assist the settler in every manner in his power to obtain the same; and that this affiant hath been present in the office of the agent of the Shawnees, in said county aforesaid, when settlers purchased lands, and that all things were apparently satisfactory to all parties; and that Colonel H. L. Taylor, agent of Shawnees, never interposed any objections to the said sales by said Black Bob Indians to the settlers, but on the contrary expressed in earnestness his desire that the settlers should purchase said lands in preference to all others. Further this affiant saith not.

J. NICHOLS.

Sworn to before me, and subscribed in my presence, by the said Jacob Nichols, this 19th day of May, A. D. 1869, at Olathe, Kansas, as witness my hand and notarial seal.

[SEAL.]

A. SMITH DEVENNEY,
Notary Public.

Action: Sent to Commissioner of Indian Affairs from Secretary of Interior, June 3, 1869.

STATE OF KANSAS, *Johnson County, ss :*

William H. Nichols, being first duly sworn according to law, deposeth and saith: That he is a resident of the Black Bob reservation, in the county and State aforesaid, and has been for four years next fall; that he is the head of a family; that he believes that he is the owner of the land, the same having been purchased by my father of the Indians who owned the land according to the certificate of the chiefs of the Shawnee council; that from information obtained from Major Abbott, I have repeatedly told those who were interested that they could purchase the land by either employing a conveyancer, or by trading direct with the Indians themselves. I have sought information from Major Abbott in regard to the Black Bob land, for myself and other settlers, which information I received from him without any trouble, Abbott telling me to say to the settlers that if they would send him the numbers of their land he would purchase the land of the Indians at a fair price, providing they would pay him a fair compensation for his services, or if they would prefer to purchase of the Indians themselves, he would give them the name of the owner, his or her place of residence, and such other information as they might desire to assist them in purchasing the same.

Affiant further states that every settler who has had the means to purchase their land, and it having been patented to the Indians by the government, has succeeded in doing so, so far as I know no objections being urged, either directly or indirectly, by Colonel H. L. Taylor, the United States Indian agent, to my knowledge. Affiant knowing of several that have purchased their land.

Affiant further states that he moved his family into this county in

1861, he having previously enlisted in the Union army; and from the best information he could get, there was no land in the county open for pre-emption, and being informed by those who ought to be positive that the Black Bob reservation belonged to the Shawnee Indians. Affiant further states that he was sent with a detachment by the commander of the post at Olathe, to assist in moving the stock belonging to said Indians, to prevent them from being stolen by the rebels. Further affiant saith not.

WM. H. NICHOLS.

Sworn to before me, and subscribed in my presence, by the said Wm. H. Nichols, this 21st day of May, A. D. 1869, as witness my hand and notarial seal.

[SEAL.]

A. SMITH DEVENNEY,
Notary Public.

STATE OF KANSAS, *Johnson County, ss.:*

Edward P. Robinson, of lawful age, being first duly sworn according to law, deposeth and saith: That he is an actual settler on Black Bob reservation, in the county and State aforesaid, and has been for three years past. That in December, a year ago, Hon. Jas. B. Abbott was at my house on Black Bob reservation, and some fifteen other settlers had met for the purpose of receiving such information as Major Abbott could give us, he having been the agent for the Shawnees for a number of years past. In the conversation at my house he told the settlers that if they chose to employ him he would purchase their land of the Indians at as fair a price as possible; and if they would prefer to purchase of the Indian in person, he would give them, or any of the settlers, the name of the Indian who owned the land, and his present place of residence as near as possible, or such other information as might assist them. Affiant further says, that at divers times Abbott has told persons in my presence, and has by letter stated the above facts.

Affiant further states that he purchased his land of the Indian in person, from information obtained from Major Abbott, without his paying for said information to any person or persons. That on my visiting the office of the Indian agent, for the purpose of having my deed made in conformity with the published rules and regulations, I had no trouble whatever with Colonel H. L. Taylor, the agent; but had it not been from advice given me by him, I do not know that I would have purchased at all. Affiant further states, that in divers places in conversation with Colonel Taylor, United States Indian agent, he told me that he would prefer the settler to purchase the land at the same price in preference to anybody else. That in his opinion the settlers on the Black Bob reservation stood more in their light than any set of men he ever saw. Affiant further states, that every settler who has shown any disposition to purchase his land could have done so. Further affiant saith not.

EDWARD P. ROBINSON.

Sworn to before me, and subscribed in my presence, by the said Edward P. Robinson, this 21st day of May, A. D. 1869, as witness my hand and notarial seal.

[SEAL.]

A. SMITH DEVENNEY,
Notary Public.

STATE OF KANSAS, *Johnson County*, ss:

William S. Duffield, being first duly sworn, deposeth and saith: That he is the head of a family, and a resident on the Black Bob reservation in the county and State aforesaid for one year past. That he purchased his land of the Indian by my attorney, Jonathan Gore. That I was induced to do so from information obtained from Agent Taylor, Major Abbott, and my attorney aforesaid, and I am satisfied that the information given me by the above-named parties is correct. Affiant further states, that from common report, said to have emanated from Colonel Taylor and Major Abbott, on the Black Bob reservation, the settlers, when informed that they could, purchased their land, or such of them as had settled on land that had been patented. I visited the agent's office for information in regard to my land, which information I obtained without fee or reward in any way, shape, or form.

Affiant further states, that he never paid, nor caused to be paid, to Colonel Taylor any money in his life, nor to Major Abbott. Further affiant saith not.

WM. S. DUFFIELD.

Sworn to before me, and subscribed in my presence, by the said Wm. S. Duffield, this 21st day of May, A. D. 1869, as witness my hand and notarial seal.

[SEAL.]

A. SMITH DEVENNEY,
Notary Public.

Action: Sent to Commissioner of Indian Affairs, with Secretary's letter of June 3, 1869.

STATE OF KANSAS, *Johnson County*, ss:

William T. Quarles, of lawful age, being duly sworn, deposeth and saith: That he is a resident of the Black Bob reservation in the county and State aforesaid. That he is the owner of the land by virtue of a deed made to him by the heirs of the original patentee, according to the certificate of the chiefs of the Shawnee Council, and in conformity with the published rules and regulations of the Department of the Interior.

Affiant further states, that he purchased the land of the Indian in person, and that Colonel H. L. Taylor, United States Indian agent, gave me valuable information in regard to the mode of procedure to secure my land; and in divers ways assisted me by advice, which advice was voluntary on his part. Affiant further states, that he never paid said Colonel Taylor any money for said advice, either directly or indirectly. Further affiant saith not.

WM. T. QUARLES.

Sworn to and subscribed in my presence by the said Wm. T. Quarles, at Olathe, this 22d day of May, 1869, as witness my hand and notarial seal.

[SEAL.]

A. SMITH DEVENNEY,
Notary Public.

Action: Sent to Commissioner of Indian Affairs, with Secretary's letter of June 3, 1869.

WASHINGTON, *June 1, 1869.*

SIR: I respectfully submit that the application of Joseph C. Irwin and others, for the approval of certain deeds of conveyance of portions

of the land set off and assigned to the community of Shawnee Indians, known and designated as Black Bob's settlement, under the treaty between the United States and the Shawnee Indians, bearing date May 10, 1854, should be denied, for reasons which will clearly appear from an examination of the provisions of said treaty.

By the first clause of article second of the treaty: "The United States cede to the Shawnee Indians two hundred thousand acres of land, to be selected between the Missouri State line and a line parallel thereto and west of the same, thirty miles distant, which parallel line shall be drawn from the Kansas River to the southern boundary line of the country herein ceded." Another clause of said article is as follows: "All Shawnees residing east of said parallel line shall be entitled to, if a single person, two hundred acres, and if the head of a family, a quantity equal to two hundred acres for each member of his or her family, to include in every case the improvements on which such person or family now resides;" to be selected within the boundaries aforesaid, under such regulations as were thereafter provided.

Said article further provides that, "in the settlement known as Black Bob's settlement, in which he has an improvement whereon he resides; and in that known as Long Tail's settlement, in which he has an improvement whereon he resides, there are a number of Shawnees who desire to hold their lands in common; it is, therefore, agreed that all Shawnees, including the persons adopted as aforesaid, and incompetent persons, and minor orphan children, who reside in said settlements, respectively, and all who shall, within sixty days after the approval of the surveys hereinafter provided for, signify to the United States agent their election to join either of said communities and reside with them, shall have a quantity of land assigned and set off to them, in a compact body, at each of the settlements aforesaid, equal to two hundred acres to every individual in each of said communities. A census of the Shawnees residing at each of these settlements, and of the minor orphan children of their kindred, and of those electing to reside in said communities, shall be taken by the United States agent for the Shawnees, in order that a quantity of land equal to two hundred acres for each person may be set off and allotted them to hold in common, as aforesaid."

It is believed that the records of the Indian Office will show that a census was accordingly taken of the Indians residing, and electing to reside, with the community known as Black Bob's settlement; that the number was found to be one hundred and sixty-five; and that, thereupon, thirty-three thousand acres of land were "assigned and set off to them in a compact body," "to hold in common," as aforesaid.

Article 4 is in these words: "Those of the Shawnees who may elect to live in common, shall hereafter be permitted, if they so desire, to make separate selections within the bounds of the tract which may have been assigned to them in common; and such selections shall be made in all respects in conformity with the rule herein provided to govern those who shall, in the first instance, make separate selections."

The provisions of this treaty, in so far as they concern the community of Indians designated as Black Bob's settlement, are simple, natural, and easily understood. They in the first place recognize a distinct community of Shawnee Indians segregated, as to their landed interests, from the rest of the tribe, and provide for the increase of the original number constituting the community at any time before the expiration of sixty days after the approval of the surveys of the land to be assigned them. The assignment of the land, as before stated, was made, and the members of the community became, by the terms of the grant, partners in

the treaty, with the right of succession as survivors and partners, but not as heirs; with the further incident that those afterwards born into the community, or becoming members by adoption, were clothed with equal interests and rights. This construction is in perfect accord with the intention of the parties, as expressed in the treaty, where the language used therein is considered in connection with the history, customs, and immemorial usages of the Indians. It must be borne steadily in mind, that these lands were granted, set off, and assigned to a "community"—to Shawnee Indians who desired to hold their lands in common, and to such Shawnees as "elected to reside" with them. Now, in the light of the long-existing relations of the United States to the Indians, and of the usages and customs of the latter, what did the parties to this treaty intend and understand by the terms above quoted? Clearly this, and nothing more or less, that the band or community of Indians designated as Black Bob's settlement desired to hold their lands precisely as the Indian tribes of this country, and especially as their own tribe had hitherto held theirs; that is to say, *in common*.

Holding their lands in this way, the incidents of partnership and survivorship follow and the rights and interests by birth and adoption accrued. To illustrate, allow me to call your attention to the fact that the tract of sixteen hundred thousand acres of land ceded by the Shawnees to the United States by this treaty had been set apart to the Shawnee tribe of Indians and held by the members in common. It will not be denied that from the date of the conveyance to them by President Tyler, on the 11th day of May, 1844, to the date of this treaty, embracing a period of ten years, the number and membership of the tribe were undergoing almost continual change by reason of death, birth, and adoption; and yet when their lands were sold and divided, each individual Indian received his equal share, not as the heir of any one, but simply and only as a member of the tribe or community of Shawnee Indians.

The same rule applies here; and from the construction and propositions contended for, there is no escape.

But, say these parties pressing for the approval of deeds, look at article four. This article is in keeping with my view of the intention of the parties, and in harmony with the construction insisted upon by my clients. Its meaning and construction are as follows: "Those of the Shawnees who may elect to live in common," (that is to say, the community designated as Black Bob's settlement,) "shall hereafter be permitted, if they" (the members of the community as such) "so desire, to make separate selections within the bounds of the tract which may have been assigned to them" (the members of the community) "in common; and such selections shall be made in all respects in conformity," &c. In other words, if the community, as such, determine to dissolve and divide the land among its members, it is authorized to do so, the division and selections of land to be made in conformity with the rule provided to govern the other Indians of the tribe by the provisions of the second article.

But who ever heard of or contemplated that one partner could dissolve a partnership by his single individual action, or practically destroy the objects and purposes of the association by introducing a stranger? And yet this is precisely what you are asked to aid in doing by the holders of these deeds.

You are asked to say, that while the government held out to those Indians, that they might reside together, live "in common" upon a "compact body" of land, to be held by their community "in common," as their people had always held their lands, it at the same time cun-

ningly inserted a provision by which any member of the community could break up and dissolve the organization. Article four was not intended for any such foolish or wicked purpose, but it was intended by its provisions to clothe the members of the community with the rights of other partners upon the dissolution of the association.

These deeds are not the result of the prior joint action of the members of the community, but of individual Indians, and some of them, I am advised, were executed by Indians who never belonged to them, but claim as heirs of alleged dead relatives who did belong. These outsiders have no interest in this valuable tract of land, and should be promptly advised of that fact.

None of the deeds now before you are worth the paper upon which they are written, and I feel assured the courts would so decide.

In the case of *Goesele vs. Brinsler and others*, 14 Howard, 589, the Supreme Court say, on page 607: "But from the nature of the association and the object to be attained, it is clear the individual member could have no rights to the property, except its use under the restrictions imposed by the articles. The whole policy of the association was formed on a principle which excluded individual ownership. Such ownership would defeat the great object in view, by necessarily giving to the association a temporary character. If the interests of its members could be transferred, or pass by descent, the continuance of the community would be impossible. In the natural course of things the ownership of the property, in a few years, by transfers and descent, would pass out of the community into the hands of strangers, and thereby defeat the object in view." * * * "While the society has the means of perpetuating its existence, it may be said to depend for its continuance on the will of a majority of its members."

It will not be pretended that the community known as Black Bob's settlement was founded upon another or different principle than that stated by the court in the above case of *Goesele vs. Brinsler et al.*; and I am not prepared to believe that any responsible or intelligent officer of the government will give the fourth article of the Shawnee treaty such a construction as would "defeat the great object in view."

In the case of *Worcester vs. Georgia*, 6 Peters, 56, the Supreme Court say: "The Cherokee nation, then, is a distinct community," &c. This was the condition of the Shawnee tribe of Indians at the date of this treaty, and those who united with the community, known as Black Bob's settlement, simply and only desired and agreed to remain in that condition until, by the collected action of a majority of the community, it was deemed best to dissolve their relation and divide their property. In that event the fourth article of the treaty provided the manner in which such division should be made.

For these reasons I ask that the approval of the deeds be refused.

Very respectfully,

S. W. JOHNSTON,

Attorney for the Indians of Black Bob's Settlement.

Hon. J. D. COX,

Secretary of the Interior.

JULY 10, 1869.

Respectfully referred to the Commissioner of Indian Affairs.

GEO. T. METCALF,
Chief Clerk.

* DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 2, 1869.

SIR: The department has received several communications from the office of Indian affairs, in relation to the lands of the Shawnee Indians, in two of which were submitted, for the approval of the Secretary of the Interior, thirty-two deeds conveying portions of various tracts that have been selected by, and patented to, members of Black Bob's band. Against the approval of said deeds protests have been filed, and papers have been presented urging their approval.

Sixty-nine members of this band made selections which were duly reported, and the list was approved by the department and transmitted to the General Land Office, and patents were issued for the lands on the 10th June, 1867.

The lands included in the deeds are of that portion of the tract set apart under the treaty of May 10, 1854, (2d article,) at the settlements of Black Bob and Long Tail, for those Shawnees who elected to live in common, and who, as therein provided, made separate selections within the limits of the tract assigned to them.

Upon the supposition, as is said, that the treaty with Black Bob's band, negotiated January, 1866, but not ratified by the Senate, contained a provision for the protection of the settlers who had gone upon the lands in question, they have, through their attorneys, opposed the confirmation of the sales of the tracts conveyed in the several deeds now pending before the department, upon whose authority patents were issued, after selections had been made in due form, and have been delivered to the persons respectively entitled thereto.

In order to a full understanding of the subject, and a final determination of the points at issue, I have concluded to have the matter referred to the present superintendent of Indian affairs for the central superintendency, with instructions to make the necessary examination in relation to the lands about which the controversy has arisen, and to report the facts fully to the department.

You will, therefore, direct the superintendent to make an immediate and thorough inquiry with a view to ascertain whether undue influence was exerted, or improper means adopted, to induce the Indians either to make the selections embracing as well those for which patents have been issued as those which were mentioned in your report of the 16th March last, (sixty-five in number,) now pending on application for patents, or to execute the conveyances above referred to; and also, whether, in each instance, the selected tract has been patented to, and conveyed by the patentee, and an adequate consideration has been paid to him by his grantee. I desire that the superintendent should submit his report at as early a day as practicable, and suggest that your instructions to him be accompanied by as full a statement of the facts in each case, including a specific description of the land, date of selection, date of conveyance, and the names of the grantor and grantee, as the files and records of your office will enable you to furnish.

I return all the papers for filing in your office.

Very respectfully, your obedient servant,

J. D. COX,
Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

We, the undersigned, headmen and members of Black Bob's band of Shawnee Indians, hereby make, constitute, and empower, Captain T. S. Slaughter, of Johnson County, Kansas, our attorney and agent, to proceed to Washington to lay before the President of the United States, the Secretary of the Interior, and the Commissioner of Indian Affairs, a history of our extreme distress and poverty, and to ask for us, and in our names, the same as if we were personally present, that a treaty be made with us by which we may be transferred to another reservation, and sell our present reservation to the government.

In justification of this request, we desire to submit a few facts:

At the commencement of the late war, we were members of Black Bob's band of Shawnee Indians, and lived on the Big Blue in peace and plenty; but shortly after the commencement of hostilities the marauding bands of rebels invaded our reservation, seized our horses, our cattle, and our provisions, and killed some of our people, until our lives and property became so uncertain that our entire band was forced to leave the reservation as their only means of self-protection. Having no place of common refuge to flee to, we were necessarily obliged to separate, and each one seek for himself protection wherever he could find it. In this manner we wandered and suffered during the war without a home, and destitute of all means of support. By these privations and sufferings our members have been materially diminished; consumption, starvation, and exposure have taken from us our chief, Black Bob, and many others of our band. After we left our reservation, our houses and fences were destroyed, and our lands entirely stripped of improvements.

On account of these losses, and our being too poor to rebuild, our band are still separated and wandering, without a chief, without a home, without stock, without money, and without friends. In this critical situation of our affairs, and influenced by the connivance and cunning of bad white men, and from stress of extreme poverty, many of our people, despairing of ever obtaining a treaty, have applied for patents to their lands, and thus raise the means of temporary relief. But these poor parties have, as we feared if they would fall into the hands of bad white men, been cheated out of their lands, and now find themselves objects of charity, without a home, and wandering about from place to place.

Thus everything has worked against us, and we seem to be standing on the brink of annihilation. In this unfortunate condition of our affairs, we, the old men of the band, have come back and settled on the Big Blue, or on the old reservation; but we find our lands entirely occupied by the whites, who have, by encouragement and with the consent of the Indian Department, built their houses and fences on thousands of acres of land, and they cut us off from all hope of reorganizing our band and rebuilding our houses on this reservation. What shall we do? Those of our band who have taken patents and sold their lands are impoverished and ruined, and we cannot consent to such a ruinous policy; but, as friends to our race, as the head-men of our band, standing together for the purpose of saving our tribe from extermination, we ask that a treaty be made with us just and fair in its provisions; that our people be collected together and removed, under government protection, to a new reservation where we may spend the remainder of our days in peace and comfort. For this purpose, we protest against the issue of patents to our lands, and ask that our agent, who will bring this, shall

be heard in our behalf, and that we may receive immediate attention. We wait for a reply.

JIM JACOB, his + mark.
 JIM BOB, his + mark.
 WILLIAM SKURRETT, his + mark.
 JOHN DAY, his + mark.
 JAMES WASHINGTON, his + mark.
 WILLIAM BOB, his + mark.
 DICK PERRY, his + mark.
 JOHN PERRY, his + mark.
 WILLIAM HENRY, his + mark.
 EDWARD SEARRETT, his + mark.
 OLD GRASS, his + mark.
 GEORGE DAY, his + mark.
 JOHN TIBLEAU, his + mark.
 SAM BOB, his + mark.
 PA-MA-PE-SOLE, his + mark.
 O ROSTHA, his + mark.
 DICK McKAVISH, his + mark.
 YUB-TA-KA-KAWSKEB, his + mark.
 YU-SA-PA-SA, his + mark.
 NU-OH-LA-OH-PANA, his + mark.
 AH-GA-TU-GU-KUNTON, his + mark.
 AH-A-TA KUN-GA, his + mark.
 RU-TSCH-TAH-MA, his + mark.
 SALLY WILLIAMS, his + mark.
 OS-WAH-PA-SOLE, his + mark.
 THICK EAR, his + mark.
 QUA-WA-TAH, his + mark.
 CHE-LE-THA, his + mark.
 OEN-WA-KON-FAN, his + mark.
 PA-TA-WA-KEN-SOLE, his + mark.
 WA-LA-TA-POR-SOLE, his + mark.
 CHO-WA-FUA, (blind.)
 WA-THU-NA-GEN, his + mark.
 SOROLE WILLIAMS, his + mark.

I certify that the above are the names of *bona fide* members of Black Bob's band of Shawnee Indians, and that the contents of this paper were correctly interpreted to them by me, and that they know its meaning and have signed their names voluntarily, without pay or promises of any kind being used to influence them, and that they constitute the majority of the band now living on the reservation.

PASCHAL FISH,
Ex Chief of United Shawnee Natives.

Signed this 6th day of March, 1869, in the presence of—

W. H. BRADY.
 J. A. REYNOLDS.
 I. S. JUSTICE.
 WM. H. DORSETT.

WASHINGTON CITY, D. C., May 5, 1869.

SIR: I am extremely anxious to have the papers filed in this case investigated before I return home, as it is important that the settlers

should know, at as early a day as possible, whether the facts they have filed are sufficient in your opinion to clothe them with any equitable rights to the lands in question. Ever since the issue of patents they have been in great distress of mind over their gloomy prospects, and unless they can now receive some assurance of protection, it would be a mercy to let them speedily realize the full extent of their misfortunes.

They have earnestly requested me not to return to them until I could bring them news of their safety or ruin, and under these peculiarly hard circumstances I most earnestly appeal to you in their names to give your early and personal attention to this matter.

The accompanying paper is a substitute in part of those already filed, and is for the purpose of presenting some new points.

Most respectfully,

T. S. SLAUGHTER,
For settlers.

Hon. J. D. Cox,
Secretary of the Interior.

STATE OF KANSAS, *County of Johnson, ss :*

Personally appeared before me, a justice of the peace in and for the County of Johnson, State of Kansas, A. G. Newton, a citizen of the county and State aforesaid, who, being duly sworn according to law, deposes and says, that on or about the twentieth of December, A. D. 1867, at the town of De Soto, State and county aforesaid, in a conversation with James B. Abbott, of De Soto, regarding the sale of lands under and by virtue of patents issued to Black Bob's band of Shawnee Indians, the said Abbott did then and there assert that the issue of said patents had been through his influence, and that the said issue of patents had cost him, the said Abbott, a great deal of time and five thousand dollars in cash, and that he, the said Abbott, did then and there declare that it was his intention to make money out of his connection with the said lands, and that he would demand twenty dollars out of every deed made out for said land. And further deponent saith not.

A. G. NEWTON.

Sworn to and subscribed before me this thirteenth day of March, A. D. 1869.

ABNER ARRASMITH,
Justice of the Peace.

STATE OF KANSAS, *County of Johnson, ss :*

Personally appeared before me, a justice of the peace in and for the County of Johnson, State of Kansas, James L. Shreeves, a citizen of the county and State aforesaid, who, being duly sworn according to law, deposes and says, that on or about the twenty-fifth day of November, A. D. 1868, he called upon the land agent of the Shawnee Indians, of the town of De Soto, State and county aforesaid, for the purpose of purchasing his claim on the land set apart in common to the Indians in Black Bob's settlement; that the said agent, H. L. Taylor, referred him, the said deponent, to his clerk, James B. Abbott, with the information that the said Abbott could give him, the said deponent, all necessary information. This deponent further says that the said Abbott was then present and informed him, the said deponent, that he could sell him the land at three hundred and fifty dollars, but that he would have to charge in addition

twenty dollars for making out the deed; and when the said deponent protested against this as an exorbitant charge, the said Abbott replied that we have to do this, as we have to make a big fight for you fellows. And further deponent saith not.

JAMES L. SHREEVES.

Sworn to and subscribed before me this 13th day of March, A. D. 1869.

ABNER ARRASMITH,
Justice of the Peace.

STATE OF KANSAS, *County of Johnson, ss :*

Personally appeared before me, a justice of the peace in and for the county of Johnson, State of Kansas, J. A. Reynolds and Jonas Mann, citizens of the county and State aforesaid, who, being duly sworn, depose and say, that on or about the middle of the month of February, 1867, the said deponent called upon H. L. Taylor, land agent of the Shawnee Indians, at his office in the town of De Soto, county and State aforesaid, for the purpose of purchasing the claims they lived on and have improved, on the lands set apart in common to the Shawnee Indians in Black Bob's settlement; the said deponents further depose and say that the said agent, Taylor, replied to their inquiries by declaring that he could not, owing to his official connection with the Indians, deal in these lands, but that he (Taylor) would introduce them (the deponents) to one James B. Abbott, who could give the deponents all necessary information; and the said agent, Taylor, further declared that whatever arrangements the said deponents could make with the said Abbott would meet with his approval and concurrence; and the said deponents further depose and say that the said agent, Taylor, did then accompany them to the said Abbott's room, in the town of De Soto, and did then and there introduce them to the said Abbott, and that the said Abbott did then and there declare that he was a speculator in the matter, and expected to make money out of his connection with the sale of the Black Bob lands.

J. A. REYNOLDS.

JONAS MANN.

Sworn to and subscribed before me this 13th day of March, A. D. 1869.

ABNER ARRASMITH,
Justice of the Peace.

AUBREY, JOHNSON COUNTY, KANSAS,
April 4, 1869.

This is to certify that I, William H. Brady, who being duly sworn, says that he did, on or about the 8th day of January, A. D. 1869, hear Colonel Taylor, the Shawnee Indian agent, say that one Mr. Erwin, from Leavenworth City, came to his office, and said he had one hundred thousand dollars which he wanted to invest in lands, and that he believed the Black Bob lands would be a good investment. He then asked to see his (Taylor's) land books; but Taylor said he refused, saying, if he did so he would incur the displeasure of the settlers, who are now on the lands. But Taylor said he referred Erwin to Dudley Tucker, the Shawnee interpreter. After Erwin seeing Tucker, he returned and deposited fifteen thousand dollars in his (Taylor's) safe. Taylor said he had paid it out to the Indians for Black Bob lands for Erwin, and that Erwin now owns about seven thousand acres of said lands.

WM. H. BRADY.

THE STATE OF KANSAS, *County of Johnson, ss :*

Be it remembered that on this, the 3d day of April, A. D. 1869, personally appeared William H. Brady, who being duly sworn, doth depose and say that the facts and statements set forth and contained in the above and foregoing affidavits are true in substance and fact.

Witness my hand and official seal this the 3d day of April, 1869.

[SEAL.]

J. L. HINES,
Notary Public.

SENATOR POMEROY : Having failed in seeing you to-day, and being desirous of having your assistance on Monday morning, I send you the inclosed communication that I have proposed to submit to the Secretary of the Interior.

I am sorry to say that Mr. Clark is using his influence to have the deeds confirmed that were made under and by virtue of patents issued to Black Bob's band.

I now call upon you to request the Secretary not to approve those deeds, or issue any further patents. You can do this in a letter, so that I can file it with the inclosed paper on Monday morning. This will afford you an opportunity to help the settler, and I trust that you will make your letter as strong as possible.

Yours,

T. S. SLAUGHTER.

P. S.—I will wait in the reception-room for your answer.

Action : Sent to Commissioner of Indian Affairs from Department of Interior, with the Secretary's letter of June 3, 1869.

BELLEFONTAINE, OHIO, *June 7, 1869.*

SIR : I have a long communication from T. S. Slaughter, attorney for the settlers on the lands claimed by the Black Bob band of Shawnee Indians, under treaty of 1854, in Kansas. I understand from him you require a written argument. Court is in session here, and I can give it no attention for a short time, say until in July. I will then examine it, and if I find it a matter in which I can properly write an opinion, I will do so. Please advise me if there can be delay thus given for me to examine it.

Respectfully, &c.,

WM. LAWRENCE.

Hon. J. D. Cox,
Secretary of the Interior.

Post office address of T. S. Slaughter is Aubrey, Johnson County, Kansas.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 11, 1869.

DEAR SIR : Yours of 7th instant relating to Black Bob lands in Kansas is before me. I have called upon the new superintendent of Indians in Kansas to examine the facts and report, so that I may have his judgment thereon as well as that of his predecessors.

Till such report comes in, I have given all parties in interest time to file whatever arguments or opinions of counsel they may offer, but shall not be warranted in making delay thereafter, as the matter is already of long standing in the department.

Very respectfully, your obedient servant,

J. D. COX,
Secretary.

Hon. WILLIAM LAWRENCE,
Bellefontaine, Ohio.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., October 6, 1869.

SIR : I transmit herewith a copy of a letter, dated the 4th instant, from the Commissioner of Indian Affairs, and the accompanying schedule, embracing the names of sixty-five members of Black Bob's band or "settlement" of Shawnee Indians, who have made selections of land in accordance with the provisions of the Shawnee treaty of May 10, 1854, with description of the lands selected ; said lands being in the State of Kansas.

You are hereby instructed to issue patents for the lands as indicated in the schedule, and transmit them to the Commissioner of Indian Affairs for delivery to the parties thereunto entitled.

Very respectfully, your obedient servant,

J. D. COX,
Secretary.

COMMISSIONER OF THE GENERAL LAND OFFICE.

UNITED STATES SENATE CHAMBER,
Washington, D. C., December 8, 1869.

DEAR SIR : Referring to our conversation of this morning, relating to that portion of the Shawnee reserve in the State of Kansas, known as the Black Bob settlement, I have again to ask that the rights of the settlers may be protected not only, but also would respectfully represent that if the selections are made of the best lands, which do not "include their improvements," or improvements made by any Indian, then great injustice is likely to be done, not only to white settlers who are there, but especially to the minors and incompetent Indians, who cannot make selections, and who need the care and support of the government, and from their inability to care for themselves have special claims upon the government.

Out of these two hundred Indians there are not forty male adults, and hence the department, administering upon this trust, are under the highest obligations to protect the interests of those who have no other protection.

It will be an act of cruelty to this class of Indians to allow the best lands to be selected and sold by the most competent, regardless of improvements, and let the poorer class, incompetent minors and females, (embracing more than three-fourths of the whole,) be thus reduced and made poorer still.

I must protest against such an administering of justice to the poor. I repeat what I have said this morning, that you should be authorized

by law to sell and dispose of all this tract of land, so as to secure equal and exact justice (or as near that as is possible) to all parties, and especially to those who cannot demand their rights, and at the same time allow the settlers to buy at a fair price all the lands not otherwise legally disposed of. Please suggest to me what legislation will be necessary to secure the best results to all parties, and protect the rights of all.

I am, very truly,

S. C. POMEROY.

Governor COX,
Secretary of Interior.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
June 9, 1869.

SIR: In compliance with the directions contained in a letter to this office from the Secretary of the Interior, bearing date the 2d instant, (a copy of which is herewith inclosed,) I desire to call your attention to the following state of facts, viz:

By the terms of the treaty concluded with the Shawnee tribe of Indians, May 10, 1854, (Stats. at L., vol. 10, p. 1053,) provision is made in the second article thereof as follows: "In the settlement known as Black Bob's settlement, in which he has an improvement whereon he resides, and in that known as Long Tail's settlement, in which he has an improvement whereon he resides, there are a number of Shawnees who desire to hold their lands in common. It is therefore agreed that all Shawnees, including the persons adopted as aforesaid, and incompetent persons and minor orphan children who reside in said settlements, respectively, and all who shall, within sixty days after the approval of the surveys hereinafter provided for, signify to the United States agent their election to join either of said communities, and reside with them, shall have a quantity of land assigned and set off to them, in a compact body, at each of the settlements aforesaid, equal to two hundred acres to every individual in each of said communities."

A census of said Indians was taken pursuant to the provisions contained in said second article of the treaty aforesaid, and there were set apart for the said Black Bob's settlement, in pursuance of the terms of said treaty, $33,392 \frac{87}{100}$ acres of land.

It is proper to state, in this connection, that the individuals referred to in said second article as composing "Long Tail's band" decided not to receive their lands in common, but to make selections in severalty and receive patents for the same, in common with the members of said tribe first mentioned in said treaty.

The fourth article of the same treaty provides that "those of the Shawnees who may elect to live in common shall hereafter be permitted, if they so desire, to make separate selections within the bounds of the tract which may have been assigned to them in common; and such selections shall be made in all respects in conformity with the rule herein provided to govern those who shall, in the first instance, make separate selections."

Under the provision just quoted a schedule containing the names of sixty-nine members of Black Bob's band who had elected to make selections of land in severalty, and which selections were approved by the agent and chiefs of the Shawnee tribe on the 14th of May, 1867, reported

by this office to the Secretary of the Interior, which schedule was approved by him on the 16th of the same month, and transmitted to the Commissioner of the General Land Office with directions for the issuance of patents to the parties indicated in said schedule for the lands therein described.

In accordance with such directions the patents were issued, bearing date June 10, 1867, and on the 20th of the same month were transmitted to the Hon. Sidney Clarke, in compliance with his verbal request, for delivery to the agent of the Shawnees.

Subsequently, on representations being made to this office that much dissatisfaction existed among Black Bob's band in consequence of the selections aforesaid, Agent Taylor was directed by telegram, on the 13th of December, 1867, to suspend the delivery of the patents to the Indians entitled thereto, and to recall such of said patents as he had already delivered, to which he responded on the 28th of the same month that the wishes of this office should be obeyed.

On the 19th of September last Agent Taylor reported that the Indians had declined to surrender the patents, and that it was impossible to execute the order for their return; whereupon this office directed Superintendent Murphy to instruct Agent Taylor to inform those of said Indians who held patents that until they surrendered the same no sales of the lands so patented would be approved by the Secretary of the Interior, said patents containing the same restrictions against the sale or alienation of the lands as is contained in the patents issued to the severalty Shawnees under said treaty, the issuance of which was authorized by the eleventh section of an act of Congress approved March 3, 1859. (Stats. at L., vol. 11, p. 430.) Numerous complaints continuing to reach this office from some of the members of the band, or from persons claiming to act as their attorneys, against said selections, charging fraud and deception upon late Agent Abbott, who reported the same to this office, alleging that the Indians were deceived and unduly influenced to make selections, and that a general state of dissatisfaction existed among them in regard to the same, this office on the 16th of January, 1868, referred the matter to Superintendent Murphy, your predecessor, and directed him to make an investigation thereof and report the result to this office.

That officer, under date of January 29, 1868, submitted his report, accompanied by a copy of the proceedings of a council held by him with the members of Black Bob's band, in which report he gives it as his opinion, after a thorough investigation and inquiry, that the charges that fraud and deception had been practiced upon the Indians in making the selections in question were without foundation in fact.

On the 2d of December, 1868, Agent Taylor transmitted to this office a second list, containing descriptions of sixty-five additional selections made by members of said Black Bob's band, and recommended the removal of the same, which recommendation was concurred in by this office, and the list of selections sent to the Secretary of the Interior on the 16th of March last, with the request that the same be approved by him and transmitted to the Commissioner of the General Land Office with directions to cause patents to be issued to such reserves for their respective selections. A number of deeds executed by sundry members of the band who have received patents for their selections have also been filed for the approval of the Secretary of the Interior, but, for the reasons hereinbefore recited, no action has been taken in reference to them.

The foregoing comprises a condensed history of the official knowledge of this department in regard to the subject-matter of the letter of the

Secretary of the Interior of the 2d instant, first hereinbefore referred to; and in view of the fact that grave charges have been made, both by letter and affidavit, by parties claiming to act as attorneys for said Indians, of fraud and deception practiced upon the Indians by Agent Taylor and late Agent Abbott, and also of the fact that counter-affidavits and charges have been filed by said Abbott and Taylor reflecting very severely upon the honesty of such pretended attorneys, I have, in accordance with the direction of the Secretary, given you this brief history of the whole matter in controversy, and with a view to ascertain whether undue influence was exerted or improper means adopted, as charged, to induce said Indians either to make the selections in question—embracing as well those for which patents have been issued as those which were submitted for approval by Agent Taylor on the 2d of December last, hereinbefore referred to, (sixty-five in number,) and now pending on application for patents—or to execute the conveyances before referred to, and also whether in each instance the selected tract has been patented to and conveyed by the patentee, and an adequate consideration has been paid to him by his grantee.

I inclose herewith for your aid and guide a schedule, marked "A," containing a list of the names, description of the lands, and date of the issuance of the patents to those individuals (sixty-nine in number) of said Black Bob's band for whom selections were made and patents issued, as hereinbefore stated. Also a schedule, marked "B," containing the names and description of the lands selected for those individuals of said band (sixty-five in number) transmitted to this office by Agent Taylor on the 2d of December last, as previously mentioned in this report. Also a schedule, marked "C," containing a list of all the deeds executed by members of said band, giving the name of each grantor and grantee, the date of each deed, description of the land conveyed, and the consideration paid therefor.

You will immediately proceed to make a thorough and searching investigation of the entire subject, and submit your report thereon to this office at the earliest date practicable.

Very respectfully,

E. S. PARKER, *Commissioner.*

ENOCH HOAG,

Superintendent Indian Affairs, Lawrence, Kansas.

STATE OF KANSAS, *Johnson County, ss:*

Henry Ellick, a Shawnee Indian of lawful age, being first duly sworn, deposes and says, about two weeks ago one Abelard Guthrie and Paschal Fish told the Black Bob Shawnees that if they would deliver up to him their patents he would get them two thousand dollars a piece or one hundred dollars a year for twenty years, and if they would not take head-rights it would be to their benefit for twenty years to come. Affiant further states that they told him that the chiefs would sell the land and put the money in their pockets, instead of the owner getting pay the same as usual. "And if you take head-right you become citizens, must vote and pay taxes;" further affiant saith that Paschal Fish told the Black Bobs if they would give up their patents he would take them to Lawrence, Kansas, would get them provisions; and they did go to Lawrence, and

come back without any provisions, after having given up their patents.
Further affiant saith not.

HENRY ^{his} + ELLICK.
mark.

Witness:

JOS. HUTCHISON,
HARRY MCBRIDE.

Sworn to before me and subscribed to in my presence on this 17th day of June, A. D. 1869.

Witness my hand and official seal.

T. J. HADLEY,
Clerk of the District Court.

STATE OF KANSAS, *Johnson County*, ss:

James Keyser, a Shawnee Indian of lawful age, being duly sworn, deposes and says that he is well acquainted with Henry Ellick; that he, Ellick, fully understood the foregoing affidavit; and that said Ellick is a reliable and truthful person. Further affiant saith not.

JAMES ^{his} + KEYSER.
mark.

Witness:

JOS. HUTCHISON.
H. MCBRIDE.

Sworn to and subscribed in my presence on this 17th day of June, A. D. 1869.

Witness my hand and official seal.

T. J. HADLEY,
Clerk of the District Court.

For file with Black Bob papers.

THE STATE OF KANSAS, *County of Johnson*, ss:

A. Smith Devenney, of lawful age, being first duly sworn, on his oath saith that he is personally acquainted with Keyser, named in the foregoing affidavit, and that said James Keyser speaks and understands the English language, and is a credible person.

A. SMITH DEVENNEY.

Sworn to before me and subscribed in my presence, this 17th day of June, A. D. 1869.

Witness my hand and official seal.

T. J. HADLEY,
Clerk of the District Court.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
June 25, 1869.

SIR: I have to acknowledge the receipt, by reference from you, of a letter from D'Estaing Dickerson, esq., desiring to be informed relative

to the conditions of conveyances made by certain members of Black Bob's band of Shawnee Indians to sundry parties.

For the information of Mr. Dickerson I would state that no deeds executed by members of said band, conveying any portion of their allotments under the treaty with the Shawnee Indians of 1854, have been approved by the Secretary of the Interior. The letter of Mr. Dickerson is herewith returned.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

OWEN McCABE, Esq.,
Surgeon General's Office, Washington, D. C.

COLUMBUS, OHIO, *July 1, 1869.*

SIR: I have examined the provisions of the treaty of May 10, 1854, with the Shawnee Indians, with a view to see if the members of Black Bob's band could receive patents for land on separate applications therefor by individuals of the band.

The fourth article of the treaty, (11 Stats. at Large, p. 1056,) taken in connection with act two, relating to Black Bob's band, only authorizes selections of land to be made and patents to be issued in pursuance of the act of March 3, 1859, (11 Stats. at Large, p. 430, sec. 11,) when the tribal relation is dissolved by the action of the band, with a view to make selections and receive patents for all the members of the band.

The fourth article does not provide for selections by a part of the band, but by "those of the Shawnees who may elect to live in common."

Those who elected "to live in common" were Black Bob's band; not a part, not some members, but all the members.

Now, who is entitled to make selections? Not a part of the members, not some few, but "those who had elected to live in common;" all those now conformed to the language of the treaty and the reason of it.

It is impossible to do justice to the band, if they may individually seize pieces, and thus secure the best land. Besides, the rule "and provided" for the selections shows this is the only rational construction.

On my return home (to Bellefontaine) I will write you more fully the reasons for this.

I have written to T. S. Slaughter, attorney for the settlers in Kansas, at Aubrey, Johnson County, Kansas, and he will soon, I presume, send you a remonstrance against approving any sale by the Indians.

You, of course, are aware that no sale is valid unless approved. (See the case of Kansas Indians, 5 Wallace Rep., 753.)

It is claimed also that there has been no valid delivery of the patents (69 in number, I think) to any of these Indians.

I will write more fully the reasons for this, and give authorities.

Respectfully,

WM. LAWRENCE,
Of Bellefontaine, Ohio.

Action: Respectfully referred to the Commissioner of Indian Affairs.

GEORGE T. METCALF,
Chief Clerk, July 8, 1869.

BELLEFONTAINE, OHIO,
July 10, 1869.

SIR: Please advise me of receipt of inclosed. Also, when a decision is made, please have me advised, and what it may be. I invite your attention to inclosed.

Respectfully,

WM. LAWRENCE.

Hon. J. D. Cox,
Secretary of the Interior, Washington, D. C.

Plea for D. S. Slaughter.

SIR: On the 10th day of June, 1867, sixty nine patents were issued from the Interior Department to an equal number of the members of Black Bob's band of Shawnee Indians, for lands in Kansas, in the reservation designated as Black Bob's settlement, in the Shawnee treaty of May 10, 1854. (10 U. S. Stat., 1053.)

The Indians to whom these patents were issued have sold these lands, and the deeds of conveyance to their grantees are now in the hands of the Secretary of the Interior for his approval.

These conveyances are void even if the patents were lawfully issued, unless the sale is approved by the Secretary of the Interior. (See the case of the Kansas Indians, 5 Wallace Rep., 753.)

These same lands have been settled upon and entered by citizens of the United States under existing laws, and they claim the right to have their titles perfected. They object to the approval by the Secretary of the Interior of the Indian sales, among others, for the following reasons:

I. The issuing of the sixty-nine patents was utterly unauthorized, and they are void.

II. The patents were never legally delivered, and no title thereunder vested in the Indians.

Upon each of these propositions I propose to submit some remarks.

I. The issuing of the patents was unauthorized, and they are void.

No treaty or law authorized it, but the issuing of the patents is expressly prohibited by treaty and act of Congress.

The Shawnee treaty of May 10, 1854, (10 U. S. Stat. at Large, 1053,) ceded "to the Shawnee Indians" 200,000 acres of land, to be selected "between the Missouri State line and a line parallel thereto and west of the same thirty miles distant." (10 U. S. Stat., 1059, 1054, Art. 2.) By this treaty,

All Shawnees * * * shall be entitled to * * * if a single person, two hundred acres; and if the head of a family, a quantity equal to two hundred acres for each member of his or her family, to include in every case the improvement on which such person or family now resides; and if two or more persons or families occupy the same improvements, or occupy different improvements in such close proximity that all of such persons or families cannot have the quantity of land (to include their respective improvements) which they are entitled to, and if in such cases the parties should be unable to make an amicable arrangement among themselves, the oldest occupant or settler shall have the right to locate his tract so as to include said improvements, and the others must make a selection elsewhere adjoining some Shawnee settlement, and in every such case the person or family retaining the improvement shall pay those leaving it for the interest of the latter therein, the value of the same to be fixed when the parties cannot agree thereupon by such tribunal, and in such modes as may be prescribed by the Shawnee council with the consent of United States agent for that tribe.

These selections were to be made out of the 200,000 acres ceded by the United States to the Shawnees.

It is then provided that—

The aforesaid assignments and selections of lands in the tract lying between the Missouri State line and the said parallel line shall be made within ninety days after the approval of the survey of the said tract, and if there be any individual recognized as at present entitled to lands therein under the provisions of this article who shall not have selected or had selected for them within said ninety days their proper shares of land, the Shawnee council shall select one or more disinterested persons who shall immediately after the expiration of such ninety days make selections of lands for them in the same manner, and subject to the same restrictions, as hereinbefore provided for *minor orphan children* not members of a family and for incompetent persons.

The treaty provides as to “minor orphan children,” and as to other incompetent persons, “that selections shall be made for them adjacent, or as near as practicable, to their friends or relatives, which selections shall be made by some disinterested person or persons appointed by the Shawnee council and approved by the United States agent.”

The treaty then provides (section 5) for the survey of the lands, “the expenses thereof to be borne by the Shawnees and the United States in due proportion.”

Then it is provided:

ART. 9. Congress may hereafter provide for the issuing to such of the Shawnees as may make separate selection patents for the same, with such guards and restrictions as may seem advisable for their protection therein.

The act of Congress of March 3, 1859, 11 U. S. Stat., 431, provides:

That in all cases where, by the terms of any Indian treaty in Kansas Territory, said Indians are entitled to separate selections of land and to a patent therefor under guards, restrictions, or conditions for their benefit, the Secretary of the Interior is hereby authorized to cause patents therefor to issue to such Indian or Indians and their heirs *upon such conditions and limitations and under such guards or restrictions as may be prescribed by said Secretary.*

Now it will be seen there are certain *rules* provided *in their treaty* to govern the selection of lands. The Indians could not make arbitrary selections, thereby enabling the shrewdest or speediest to get the best selections. Among these rules are these:

1. An Indian *residing on an improvement* was compelled to select two hundred acres, “to include in every case the improvement.”

A selection *not* including the improvement would be void. The selection was to be made “according to the legal subdivision of the United States lands.” (Art. 2.)

If two Indians occupied the same improvement, and they could not agree amicably as to a selection, “the oldest occupant or settler shall have the right to locate his tract so as to include said improvement, and the others must make a selection elsewhere adjoining some Shawnee settlement.” And provision is made for payment for improvement to the retiring Indian by a “tribunal, and in such mode as may be prescribed by the Shawnee council, with the consent of the United States agent for the tribe.”

3. Minors shall have selections made adjacent to their friends or relatives by a person appointed by the council and United States agent.

If such lands were selected by any other Indian their selection would be void.

4. The selections were to be made within ninety days after the approval of the survey of the lands, or if not so selected, then the selections shall be made by an agent selected by the council.

5. And under the act of March 3, 1859, patents could only be issued *after and in pursuance of* “conditions, limitations, guards, or restrictions, prescribed by the Secretary” of the Interior.

Under these provisions no lands could be held by Indians in common. Selections must be made in severalty. Now if Black Bob's band stood

in the condition of *all other* Shawnees, no patent could issue to any one of them except on compliance with all these conditions precedent.

It will be seen that under section 9 of the treaty, patents could only issue after Congress had provided therefor.

We are now prepared to inquire in what respect do the rights of Black Bob's band differ from other Shawnees?

The treaty provides that—

In the settlement known as Black Bob's settlement, in which he has an improvement whereon he resides * * * there are a number of Shawnees who desire to hold their land in common; it is therefore agreed that all Shawnees, including the persons adopted as aforesaid, and incompetent persons and minor orphan children who reside in said settlement, respectively, and all who shall within sixty days after the approval of the survey hereinafter provided for, signify to the United States agent their election to join * * * said community and reside with them, shall have a quantity of land assigned and set off to them in a compact body at * * * the settlements aforesaid, equal to two hundred acres to every individual in * * * said community. A census of the Shawnees residing at * * * these settlements and of the minor orphan children of their kindred, and of those electing to reside in said community, shall be taken by the United States agent for the Shawnees, in order that a quantity of land, equal to two hundred acres for each person, may be set off and allotted to them to hold in common as aforesaid.

Then it is provided that—

ART. 4. Those of the Shawnees who may elect to live in common shall hereafter be permitted, if they so desire, to make separate selection within the boundary of the tract which may have been assigned to them in common, and such selections shall be made in all respects in conformity with the rule herein provided to govern those who shall in the first instance make separate selections.

Now I maintain that *no patent can issue to any one, or any portion of Black Bob's band*, because the treaty does not so provide, and the act of Congress does not authorize it.

1. *The treaty—its language considered.*—Who may make separate selections? The treaty answers: "Those of the Shawnees who may elect to live in common." The Shawnees, as we have seen, are divided by the treaty into two classes. One class, the great majority, decided to select lands and own in severalty. Black Bob's band and the Indians of Long Tail's settlement, nearly all, with some recruits from outsiders, decided to occupy lands in common. A census was provided for, and land was set off in a quantity equal to two hundred acres for each Indian then living. No provision was made for an increase of the lands set off to Black Bob's band in case his band should increase in numbers. As the other Shawnees got in severalty two hundred acres each, so Black Bob's band got an equal amount in common. The population might, and doubtless has, increased, but the land could never grow larger. Now when article 4 of the treaty says, "Those of the Shawnees who may elect to live in common," it means Black Bob's band collectively, and the Long Tail's settlement collectively.

It is not provided that *any portion* or a *few* of the band may thereafter "make separate selections," but "those of the Shawnees who may elect to live in common;" that is, the entire collective band. This is the only construction warranted by the language of the treaty.

2. It is the only one possible to execute. The band had a right to increase in numbers, at least by the birth of children. Fifteen years have passed since the treaty was made. I do not know the number of the band now, nor does the Interior Department know it. It may have increased to double its original number. The treaty must be construed with reference to the probability of such an increase. Now as there was only set off to the members of Black Bob's band a quantity of land equal to two hundred acres for each of the members in 1854, assuming what

is probable, there can now be only probably one hundred and fifty acres for each member of the band.

If the collective band should all agree to break up the tribal relation, either by unanimous consent or possibly in such form as their laws and usages require their acts to be done by a majority, then the case would have arisen where the Secretary of the Interior might, under an appropriate act of Congress like that of March 3, 1859, prescribe limitations, restrictions, and conditions in which to cause patents to issue.

The first step would necessarily be to take a census. To hold that a portion of the band may now select *all* the lands and leave another portion with none, would be to work out a result productive of great injustice. And it is a rule in the construction of statutes, and of course of treaties, that they must, if the words will fairly admit of it, be so construed as not to impute to the law-making power an unjust design. (Sedgwick on Statutes, *passim*; Curwen on Interpretation of Statutes, in 1 vol.; Curwen Ohio Stat., 6.)

3. The reason and spirit of a law are proper guides in its construction, as we learn from every book that treats of the subject. These unite to demand that the treaty be construed so as to issue no patents until the whole band unite to make a selection.

a. The purpose of Black Bob's band in electing to live and hold lands in common, was to secure the advantages, as they conceived them to be, of that mode of life, to keep out white settlers. The government assented to this purpose, and sanctified it by the treaty. But if a few of the Indians may select lands and procure patents, then the common occupancy is gone; the lands may be sold. White citizens introduced, the hunting grounds will be broken up and the Indian mode of life destroyed. This certainly does not require any extended argument.

b. In addition to what is said above of the injustice which must result from issuing patents to a part of the band, it should be added the wrong does not stop there. This body of land is, of course, of different degrees of value, as it is of character and quality in different locations or parts.

The west half, as I am advised, is worth more than double as much per acre as the residue; other portions are almost valueless. Can the Secretary suppose, or is it reasonable to construe the treaty so as to impute to the power that made it a purpose to enable a few shrewd Indians to seize all the valuable lands and leave the residue beggars? This would be systematized plunder in a mode which will not be sanctioned unless the language of the treaty imperatively so requires, as it does not.

Let it be remembered that if this may be done, it may be done without the knowledge of the great body of the Indians and against their wishes.

The sixty-nine patents now in controversy were procured and the selections of lands made without the knowledge, and are now held against the wishes, of the band.

The manifest reason and spirit of the treaty was to do equal and exact justice to all, and that purpose is defeated if their patents shall be held valid.

I maintain, therefore, that the patents are all void because the treaty did not authorize these sixty-nine separate selections to be made at all.

II. But if the Secretary of the Interior should hold that the terms of the treaty with the act of Congress of 3d of March, 1837, did in form authorize separate selections and patents, then I urge that the treaty and the act of Congress require conditions precedent to the issuing of patents which have not been complied with, and the sixty nine patents are therefore void.

The 4th article of the treaty declares that the selections by Black Bob's band "shall be made in all respects in conformity with the rule herein provided to govern those who shall in the first instance make separate selections."

The Shawnee Indians generally, as we have seen, make separate selections under regulations prescribed in the treaty and provided for in the act of Congress. The Black Bob band were required to make them in conformity with the same rules.

I have quoted five of these rules above, and it is unnecessary to repeat them here. Not one of these rules has been observed in making the selection of lands for these sixty-nine patents.

How does the Secretary know that these sixty-nine selections do or do not include the lands covered by the improvements occupied by those in whose favor they were made?

And so I might put the same inquiry as to each of the rules.

It does not even appear that the Secretary ever prescribed the regulations required by the act of March 3, 1859. If it be said that the increase in the number of Indians cannot affect the question that the heirs of deceased Indians will take the lands to which the ancestors of 1854 might have been entitled, I answer this is impracticable. The treaty does not so provide. No law decides who are heirs. No regulations have been prescribed; and provision must be made, if so, to have selections made for minors on equal terms with others. This will be defeated if these sixty-nine patents are held valid, and if other selections may be made in the same way.

III. These sixty-nine patents are void, because there is no act of Congress to authorize their issue.

I do not now make the question argued by me and others in the fortieth and forty-first Congresses, somewhat at large and twice decided by the House, that a treaty with an Indian tribe cannot authorize a patent to issue. If it were necessary I would ask the Secretary of the Interior to consider that question. But in this matter we are relieved of the necessity of making that question.

The treaty expressly provides in article 9—

That Congress may hereafter provide for the issuing to such of the Shawnees as may make separate selections, patents for the same, with such guards and restrictions as may seem advisable for their protection therein.

Until Congress should authorize patents to issue, none could be so issued. The treaty was made May 10, 1854. Nearly five years after, on 3d March, 1859, Congress enacted:

That in all cases where, by the terms of any Indian treaty in Kansas Territory, said Indians are entitled to separate selections of land and to a patent therefor under guards, restrictions, or conditions for their benefit, the Secretary of the Interior is hereby authorized to cause patents therefor to issue to such Indian or Indians and their heirs upon such conditions and limitations and under such guards or restrictions as may be prescribed by said Secretary.

As to the Shawnee Indians generally, the treaty declared them "entitled to two hundred acres." (Sec. 2.)

As to Black Bob's band it is declared they "shall hereafter be permitted, if they so desire, to make separate selections."

Now the act of March 3, 1859, authorized patents to the Shawnees generally, but not or including Black Bob's band. The act only applied to such Indians as "are (then) entitled to separate selections of land and to a patent therefor."

Two things are required to unite to decide on the right to patents:

1. The Indians must be such as are (then) entitled to separate selections.

2. The Indians must also be entitled to patents.

Now the right to selections is one thing when made, and the right to make selections, before made, is a very different thing.

The Shawnees generally at that date had made their selections; they were approved, and they were also entitled to patents. The act of Congress authorized the issues of those patents.

Its language is limited to such as had perfected the selection.

Black Bob's band had not then made any selections. None of them had any claim to a patent. They were not therefore within the language of the statute, because it could not be said they "are (now) entitled to separate selections of land and to a patent therefor."

The statute provided for the past, not the future. It does not reach those Indians who, like Black Bob's band under article 4 of the treaty, have the right "to make separate selections," but only those who are entitled to selections already made, and to a patent.

Congress could not foresee that Black Bob's band would thereafter make such selections, and the statute is very wisely limited to rights then perfected. It is not to be presumed by a forced construction of the statute that the common occupancy of Black Bob's band should be broken up.

IV. The patents are void because they were never lawfully delivered, and the government may now resume the title claimed under them.

It is a familiar principle of law that the delivery of a deed of conveyance and of a patent is essential to pass title under it. (3 Washburn on Real Property, book 3, chap. iv, sec. 2, p. 254, citing 1 Wood Com., 193; Shep's Touch., 57; Cs. Lit., 35 b., Goddard's case; 2 Rep., 4 b. Com. Dig. Fait. A. 3, 4; Gilman R., 175; 15 Wend., 658; 8 Mass., 239; 16 Vermont, 563; 5 Indiana, 267; 34 New Hamp., 476; 45 Ib., 510; 17 Iowa R., 490.)

Washburn says of the requisites of delivery:

"The grantor must give up control or dominion over the deed, and * * the grantee must actually or by implication have accepted the deed as his own, and the estate conveyed by it. Thus a delivery of a deed after the grantee's death is of no effect. (Jackson *vs.* Leek, 12 Wend., 107; Fay *vs.* Richardson, 7 Pick., 91; 3 Washburn, book 3, ch. iv, § 2, p. 254.)

A deed made unknown to the grantee, and recorded, does not convey title. (12 Johnson's R., 421; 20 Indiana, 288.) In 3 Washburn, 255, it is said:

Many of the cases hold that a delivery of a deed to a stranger, passes the title upon the ground that the law presumes an assent and acceptance on the part of the grantee. * * * And some of the cases hold that in such a case until the deed is accepted, if it be not an escrow, the grantor may resume it, and thus prevent its taking effect at all. (Johnson *vs.* Fowley, 45; N. H., 509; Derry Bank *vs.* Webster, 44; N. H. 268.) * * * The presumption of an acceptance, which it is said the law raises in such cases, is merely evidence of delivery at best, and whether it can ever be fairly raised as a rule of law except in case of an infant grantee and such as are under disabilities to assent, may perhaps be gravely questioned after the language of Abbot, C. J., in Townsend *vs.* Tickill, "the law is not so absurd as to force a man to take an estate against his will." (3 B. & Ald., 36; see Younger *vs.* Gilbean; Wall U. S., 641; Dickes *vs.* Miller, 24; Texas, 423; Fould *vs.* Sage, 46; Barb., 109.) * * * "A deed takes effect from its delivery, irrespective of its date, though, *prima facie*, the date is to be taken as the time of delivery. 12 Mass., 460; 4 Johns, 230; 4 Yates, 278; 1 Wood Com., 195; Littell Select Cases, 462; Com. Dig., Tit. G.; 18 Maine, 190.)

These principles are equally applicable to land patents as to deeds of conveyance. The result of them is that delivery is essential to perfect a grant by patent; that the grantor and grantee must unite in assisting to the delivery until the act is complete; that if such united assent does not continue, no title passes, and the grantor may resolve the grant.

Of course when the grantee obtains possession by an intermediate fraud, or in violation of the purpose of the grantor, he acquires no title.

I submit and annex hereto copy of the correspondence furnished me relative to the delivery of the sixty-nine patents. Applying the principles above stated, these patents were never legally delivered. And it is perfectly in the power of the government to revoke the patents either by a proper proceeding to cancel them, or by a declaration to that effect notified to the grantees, which has been done, or by canceling the record of the patent, or in this case by the perfect power the Secretary of the Interior has of preventing the grantees from selling, by simply refusing his assent to their sales.

It will be further seen from the correspondence, and as the fact is, that the grantees obtained possession of the patents through a person having no right to deliver them, and his act could not bind the government.

The Secretary will see that even if he had legal power to issue patents, as I hope I have proved he has not, yet his discretion is ample. In view of all the facts stated, the changed condition of things, the lapse of time, the injustice that must result from sanctioning these patents, I respectfully submit, it would be a bad exercise of discretion to tolerate new selections and sales. The Indians will be robbed by speculators.

Besides all this the government is now about to inaugurate the policy of gathering the Indians on to reservations. To permit tribes now to break up the tribal relation, as they will by taking lands in severalty, will interfere with that policy.

And the government has further inaugurated the policy of removing from Kansas the Indians who yet maintain the tribal relation. This is a policy to be encouraged. In furtherance of this policy, and of the policy of giving all Kansas lands to white settlers, Congress passed the joint resolution, approved April 7, 1869, by General Grant, giving to white settlers on the Shawnee lands in Kansas the right to secure titles therefor. (See session laws 1st session 41st Congress, page 205.)

This policy, sanctioned by President Grant's administration, demanded by the interests of the people of Kansas, by the Indian policy of the government now being carried out, by justice to all, requires that no more separate selections of land for these Indians shall be permitted.

Fifteen years have passed since the treaty was made. I submit that in the changed condition of things now, nothing should be done until Congress shall have determined what ought to be done.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
December 13, 1867.

SIR: Suspend the delivery of the 69 patents for members of Black Bob's band, transmitted to you through Hon. Sidney Clarke; and if any have been delivered recall them, and return for further orders.

CHAS. E. MIX,
Acting Commissioner.

H. L. TAYLOR, Esq.,
U. S. Indian Agent, De Soto, Kansas.

DE SOTO, KANSAS, December 28, 1867.

Your telegram of 13th instant in relation to the sixty-nine Black Bob patents reached me by mail in Mattoon, Illinois, and I avail myself of the first opportunity upon my return home to reply; and in answer would say that your orders respecting the same will be obeyed.

Very respectfully, your obedient servant,

H. L. TAYLOR,
United States Agent.

Hon. CHARLES E. MIX,
Acting Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, August 26, 1868.

SIR: On the 13th of December last, this office, by telegram, instructed Agent Taylor to suspend the delivery of the sixty-nine patents for members of Black Bob's band, transmitted to him through the hand of Hon. Sidney Clarke, and if any have been delivered recall them, and return for further orders.

Mr. Abelard Guthrie, having under date of the 20th ultimo, asked in behalf of the Shawnee interest that the patents referred to be recalled and canceled, you will direct Agent Taylor to return the same through you to this office.

Very respectfully, your obedient servant,

CHAS. E. MIX,
Acting Commissioner.

THOMAS MURPHY, Esq.,
Superintendent Indian Affairs, Atchison, Kansas.

OFFICE OF SHAWNEE AGENT,
De Soto, Kansas, September 19, 1868.

SIR: Your letter of 31st ultimo, with copy of letter bearing date of the 26th ultimo, from the honorable Acting Commissioner of Indian Affairs, recalling the sixty-nine patents lately issued to the Black Bob band of the Shawnee Indians, has been received; and in reply would say that I have laid the subject before the Shawnee chiefs and council, and they communicated the facts to the patentees, and a resolution or request that said patentees should decline surrendering their patents. Whereupon each and every one of them positively refused to deliver up his patent; therefore it is utterly impossible for me to execute the order.

I will in a few days forward protest now being prepared by the chief and council, and every member proper of the Black Bob settlement, against the return and cancellation of said patents, and their reasons therefor.

I herewith inclose letter from Hon. E. G. Ross, S. C. Pomeroy, and Sidney Clarke, bearing on the same subject.

Very respectfully, your obedient servant,

H. L. TAYLOR,
United States Indian Agent.

Col. THOS. MURPHY,
Superintendent Indian Affairs, Atchison, Kansas.

TOPEKA, KANSAS, September 10, 1868.

SIR: Having had our attention called to an order lately issued by you for the return of some patents issued to members of the Shawnee tribe of Indians of the Black Bob settlement, and being confident that there is an existing state of facts not known at the department, which we respectfully desire to present, we ask that you will suspend all further action on this matter, until we can fully represent all the facts in the case, as we are confident can be done to the satisfaction of the department.

Very respectfully, your obedient servants,

S. C. POMEROY,
United States Senate.
SIDNEY CLARKE,
Member Congress.
E. G. ROSS,
United States Senate.

Hon. Mr. TAYLOR,
Commissioner Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., October 23, 1868.

SIR: I have received your letter of the 30th ultimo, inclosing a communication to yourself from Agent Taylor, in which he states that it is impossible for him to comply with office instructions to return the patents heretofore granted to certain members of Black Bob's band of Shawnee Indians, for the reason that the holders thereof, each

and all, refuse to surrender them. Also, the inclosed letter from Senators Pomeroy and Ross, and Representative Clarke, requesting a suspension of further action in the premises until they can fully represent all the facts in the case, which they state they can do to the satisfaction of the department. On the 13th of December, 1867, this office, by telegram, directed Agent Taylor to suspend the delivery of the patents in question, to recall such as had been delivered, and retain them.

To this telegram Agent Taylor responded under date of December 28, stating that the orders of the office would be obeyed. It now appears from Agent Taylor's letter that all of the patents have been delivered to the Indians, who each and all refuse to surrender the same agreeable to the wishes of this office.

In courtesy to the honorable Senators Pomeroy and Ross, and Representative Clarke, who request a suspension of further action until they present certain facts to the department in reference to this case, no further action will be taken at present, except this: You will instruct Agent Taylor to inform the recusant Indians that no sales made by them of any of the lands so patented will be recognized or approved by this department until the matter of differences are definitely and satisfactorily adjusted. You will also direct agent Taylor to report through you to this office the dates of the delivery of the patents in question.

Very respectfully, your obedient servant,

A. G. TAYLOR,
Commissioner.

THOMAS MURPHY, Esq.,
Superintendent Indian Affairs, Atchison, Kansas.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Atchison, Kansas, December 22, 1868.

SIR: I have the honor herewith to transmit letter from Agent Taylor in reference to the delivery of patents to the Black Bob band of the Shawnee tribe of Indians.

Very respectfully, your obedient servant,

THOS. MURPHY,
Superintendent Indian Affairs.

Hon. A. G. TAYLOR,
Commissioner, Washington, D. C.

OFFICE OF SHAWNEE AGENCY,
De Soto, Kansas, November 18, 1868.

SIR: Your letter of October 30, with copy of letter of the honorable Commissioner of Indian Affairs, bearing date of October 23, requiring me to inform the department of the date of the delivery of the Black Bob patents, have been received, and in reply would state that the patents were delivered by the Hon. J. B. Abbott on the 24th day of August to Graham Rogers, Charles Tucker, and the Shawnee councilmen, who came to the office on that day for the purpose of demanding of me the delivery of the patents, and I was absent, but Major Abbott, who officed with me, was at home; and the Indians stated the object of their visit to him, and he stated he knew of no reason why the patents should be retained in the office, and supposed the delivery of the patents to the chiefs and councilmen of the tribe would be satisfactory to me as well as the department, and accordingly delivered the same.

I am, very respectfully, your obedient servant,

H. L. TAYLOR,
United States Indian Agent.

Hon. THOMAS MURPHY,
Superintendent Indian Affairs, Atchison, Kansas.

REMARKS.

It will be seen from the above that the patents were delivered to the Indians some eight months after the agent promised to obey the order to recall them. This order has never been revoked. In his letter of 19th September, 1868, the agent promised to forward to the Commissioner a protest against the recall of the patents from every member

proper of Black Bob's band. This he never did; but, instead, forwarded a protest from only fifty-two persons, all parties interested in the patents and the advantage of the selection made. This was seventeen less than the number that received patents, and not one-third the number of the band.

It should be observed that the Kansas senators and representative never made the showing contemplated in the foregoing correspondence, probably because no reason could be given to justify the delivery of the patents.

Action: Respectfully referred to the Commissioner of Indian Affairs.

GEO. T. METCALF,
Chief Clerk.

JULY 12, 1869.

BELLEFONTAINE, OHIO, July 28, 1869.

SIR: On July 10, on behalf and at request of T. S. Slaughter, of Aubrey, Johnson County, Kansas, I forwarded by mail a written argument addressed to the Hon. J. D. Cox, Secretary of the Interior, urging him to disapprove of sales of land by fifty-nine members of Black Bob's band of Shawnee Indians in Kansas, to whom, as it is argued, fifty-nine patents *illegally* issued. I requested a letter acknowledging its receipt, but I have none. Please see and advise me if it was received at the Interior Department.

I have a letter from Mr. Slaughter, the attorney for the settlers on the lands, under date of July 14, saying he *will furnish proof* that some of the fifty-nine *were dead* when the patents issued, and never made any application therefor; that some other of the patents were issued without any authorized application therefor, and the patentees do not now want them; that some of these Indians who have made sales, awaiting the approval of the Secretary, received, or are to receive, *less* than the conveyances state; that it will be impossible to do equal justice among the members of Black Bob's band if these separate selections are approved, &c.

Mr. Slaughter advises me he will furnish all this proof, and have the arguments *printed*; and he is informed that no decision will be made by the Secretary for some time, as the Indian agents have not, and will not yet for some time, make full report, as directed by the Secretary, to enable him to act.

Please file this with the papers on this matter. I think it best to have this done, as Mr. Slaughter may expect it. I go West and will be gone about three weeks, and in the mean time please look to this and advise me.

Respectfully, &c.,

WILLIAM LAWRENCE.

J. N. ARNOLD.

Action: Respectfully referred to the Commissioner of Indian Affairs, who will acknowledge receipt of previous and present letter of Mr. Lawrence.

G. T. METCALF,
Chief Clerk.

Registered Augst 3, 1869.

OFFICE OF THE SHAWNEE AGENCY,
Shawnee, August 6, 1869.

FRIEND: The following named persons, to wit: French Prophet, Peta-wah-cum-sah, Hoh-so-wah-pe-a-se, Che-la-thah, Hoskasthat, Nankow-wase, Mewahpease, Hoewekenqua, William Henry, Hohqua, Hohlohnapea Wowapease, Tahpah, Shuawohnuckka, James Hunter, Kowwapea, Tatepsekah Wosotah, The-ke-quah, Ne-pe-wase, Pelwahpease, La-tha-kah-na-cum-se, Kiqua, Poolsate, Nancy Rib, heir of Doctor Rib, Thowin-na-se, Mo-ke-pea, Joe Charley, Thonox-se-se, Hotathem-wah, Harriet Douglass, Kotahwipth, Nawalwipth, Nah-ket-tah-helon, Hotakenowah, William Williams, Quahmese, Ne-tah-wah-cum-se, members of the Black Bob settlement, who have made selections on the tract of land set apart for said settlement, express themselves exceedingly anxious that the patents for such selections issue at as early a day as possible, in order that they may dispose of their lands, and immediately remove to their new homes among the Cherokees, so that they may commence their improvements and be enabled to raise a crop the following season.

And they represent that this is the wish of all those whose selections have not been patented.

Believing that their interests will be subserved by compliance with their wishes, I would earnestly recommend the issuing of said patents at as early a day as possible.

Very respectfully,

REUBEN L. ROBERTS,
United States Indian Agent.

E. S. PARKER,
Commissioner of Indian Affairs, Washington, D. C.

BELLEFONTAINE, OHIO, *July 28, 1869.*

SIR: On July 10, on behalf and at request of T. S. Slaughter, of Aubrey, Johnson County, Kansas, I forwarded by mail a written argument addressed to the Hon. J. D. Cox, Secretary of the Interior, urging him to disapprove of sales of land by fifty-nine members of Black Bob's band of Shawnee Indians, in Kansas, to whom, as it is argued, fifty-nine patents *illegally* issued. I requested a letter acknowledging its receipt, but I have none. Please see and advise me if it was received at the Interior Department.

I have a letter from Mr. Slaughter, the attorney for the settlers on the lands, under date of July 14, saying he *will furnish proof* that some of the fifty-nine *were dead* when the patents issued, and never made any application therefor; that some other of the patents were issued without any authorized application therefor, and the patentees do not now want them; that some of the Indians who have made sales, awaiting the approval of the Secretary, received, or are to receive, *less* than the conveyances state; that it will be impossible to do equal justice among the members of Black Bob's band if their separate selections are approved, &c.

Mr. Slaughter advises me that he will furnish all this proof, and have the argument printed, and he is informed that no decision will be made by the Secretary for some time, as the Indian agents have not, and will not yet for some time, make full report as directed by the Secretary to enable him to act.

Please file this with the papers on the matter. I think it best to have this done, as Mr. Slaughter may expect it.

I go West and will be gone about three weeks, and in the mean time please look to this and advise me.

Respectfully, &c.,

WM. LAWRENCE.

J. N. ARNOLD.

AUBREY, JOHNSON COUNTY, KANSAS,
August 9, 1869.

SIR: I am preparing my evidence to show fraud in the issuance of the sixty-nine Black Bob's patents. Will endeavor to present it by the 25th instant; at all events before the superintendent and agent report on the subject.

I am confident of being able to show a *clear case of fraud*, and am equally confident that the agent will do the same.

Most respectfully, your obedient servant,

T. S. SLAUGHTER.

Hon. J. D. Cox,
Secretary of the Interior.

Action: Respectfully referred to the Commissioner of Indian Affairs.
GEO. T. METCALF,
Chief Clerk.

AUGUST 13, 1869.

LAWRENCE, KANSAS, *September 4, 1869.*

DEAR SIR: I am desirous of procuring a list of applications, now on file in your office, for patents to Black Bob Shawnee lands, with names of applicants, dates of applications, and descriptions of lands applied for. I want it for use in the controversy now pending in regard to those lands, and will be greatly obliged if you can furnish it to me, if not inconsistent with the rules of your office.

Very respectfully, yours,

E. G. ROSS.

Hon. E. S. PARKER,
Commissioner of Indian Affairs.

Please return list by the bearer, Mr. T. S. Slaughter.

E. G. R.

LAWRENCE, KANSAS, *September 4, 1869.*

SIR: I have within the last few days come into possession of information in regard to the disposition of the Black Bob Shawnee lands, which tends strongly to confirm my previous suspicion that great frauds upon the Indians, and wrongs to the settlers thereon, are being sought to be perpetrated through the confirmation of sales patented to have been made by the Indians.

I most earnestly remonstrate against the confirmation of any of the pretended sales of those lands, and do so in the name of the Indians as well as of the settlers, who went upon the lands when they were supposed to have been abandoned by the Indians, and with the countenance of

the then Commissioner of Indian Affairs. These settlers are willing to pay to the Indians all they ask for their lands, but are not permitted to do so through the machinations of a most corrupt ring, who are seeking to enrich themselves out of both the Indians and the settlers.

Of the truth of this, from information which has lately come to me, I have no manner of doubt. I sincerely hope that you will take no steps whatever toward a confirmation of the patents that have been issued to the Indians, or of the deeds made under them, for I believe them to have been conceived in villany and executed in fraud.

Very respectfully, your obedient servant,

E. G. ROSS.

Hon. J. D. Cox,
Secretary of the Interior.

Action : Respectfully referred to the Commissioner of Indian Affairs.

GEO. T. METCALF,
Chief Clerk.

SEPTEMBER 10, 1869.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
October 25, 1869.

SIR: There were filed in this office with your letters, dated respectively May 26 and June 3, 1869, eight deeds executed to sundry parties, from certain members of Black Bob's band of Shawnee Indians, for portions of the land patented to them under the provisions of the Shawnee treaty of 1854.

You are therefore hereby informed that, in accordance with the recommendations contained in report of Superintendent Hoag, of the 9th ultimo, and approved by the Secretary of the Interior in letter to this office of the 28th ultimo, satisfactory evidence will be required to be furnished to this office, through Superintendent Hoag, that the grantor in each case received the full amount of consideration specified in the deed or deeds of conveyance executed by him or her respectively before the same can be approved.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

JAMES B. ABBOTT, Esq.,
De Soto, Kansas.

QUINDARO, KANSAS, August 16, 1869.

SIR: I take the liberty of inclosing to you a few affidavits I have had taken in relation to the Black Bob Shawnee patents and sales. They were taken before Esquire Kellogg, brother of the United States senator of that name. Superintendent Hoag's numerous official duties appear to have obliged him to make his investigations at spare moments, which may delay his report for some time. I have reason to believe that attempts are making, or will be made, to stop the investigation. I therefore send on the evidence I have collected to show you that any charges of fraud in reference to the issuance of patents and sales of land are fully sustained by the facts. And I understand that, so far as Superintendent Hoag has prosecuted his inquiries, this state of facts is revealed. It is to be hoped he will continue these investigations. I have made consid-

erable inquiry, and have not found a single Indian who knew anything of J. C. Irvin. Abbott and Agent Taylor appear to have managed the whole business, and in the many inquiries I have made I have not discovered in a single instance that the amount paid to the Indians and that named in the deed corresponded, varying from forty dollars to two hundred and twenty dollars.

I inclose to you the following papers :

No. 1. Wah-ka-cha-wa swears he never applied for nor desired a patent, and that he never received but \$330 for his land, whereas, in the deed to J. C. Irvin, the consideration named is \$400, a difference of *seventy* dollars.

No. 2. This affidavit is from six of the persons represented by the agent and chiefs as having applied for patents and to whom patents were issued. They state that they did not apply for nor do they want patents.

No. 3. This affidavit is from two of the leading members of the band, and names three persons represented to the department as having applied for patents, and which were issued, who died respectively nine, fourteen and eight years ago, rendering it impossible that they could have applied for patents, as stated by the agent and chiefs.

No. 4. Here it is shown that George Williams, to whom a patent was issued, could not have applied for it, having died ten years ago. His widow does not want the patent.

No. 5. This affidavit, from three of the leading members of the band, states that seven of the persons named as heirs of members of the Black Bob band, who are represented as having applied for patents, and to whom they were issued, are *severalty* Shawnees and not members of the Black Bob band.

No. 6 is a statement under oath of two of the oldest and most respectable farmers in the neighborhood of the Black Bob lands, that these lands are worth an average of ten dollars per acre, and that a considerable portion of the west end of the reserve is worth *twenty* dollars per acre. It should be borne in mind that it is in this western part where the lands sold to J. C. Irvin nearly all lie. These lands, with two or three exceptions, would have sold for twenty dollars per acre when sold to J. C. Irvin.

I could have obtained much more evidence of the kind now furnished, but it is attended with great inconvenience and considerable expense for a private citizen to obtain the services of an officer to execute such papers. And should Superintendent Hoag prosecute his inquiries, it would be superfluous for me to do so. Enough is shown, however, to justify the withdrawal and cancellation of the patents and rejections of the deeds on the ground of fraud and misrepresentation.

It appears that the certificates attached to the Irvin deeds and signed by the chiefs were *signed in blank* and left with Abbott, showing that these chiefs were connected with an avowed speculator, and were willing to connive at if not to aid his frauds upon the ignorant classes of the tribe.

Very respectfully, your obedient servant,

ABELARD GUTHRIE.

Hon. J. D. Cox,

Secretary of the Interior.

Action : Respectfully referred to the Commissioner of Indian Affairs.

GEO. T. METCALF,

Chief Clerk.

AUGUST 21, 1869.

STATE OF KANSAS, *County of Johnson, ss :*

Branson Millikan and Newton Ainsworth, being sworn, say that they are farmers, and have lived within two miles of what is known as the Black Bob Shawnee reserve, in the State of Kansas, for the last twelve years, and are acquainted with the quality and value of the lands of said reserve, and they believe the average value of said lands, exclusive of improvements, is at least ten dollars per acre, and that the said reserve could be readily sold for that price; that considerable portions of the western part of said reserve are worth and would sell for twenty dollars per acre without improvements.

B. MILLIKAN.
N. AINSWORTH.

Sworn to and subscribed in my presence this 10th day of July, A. D. 1869.

W. A. OCHELTREE.
Notary Public.

Jim Bob, John Perry, and Jim Jacob, being sworn, say they are Shawnee Indians; that Martha McLane, reported sole heir to Kish-a-wah-cum-se, of the Black Bob Shawnees, is a severalty Shawnee; that Sam Wheeler, reported as heir in part of Che-to-quah, of the Black Bob Shawnees, is a severalty Shawnee; that Polly Carter and Jim-yah, claiming to be heirs of Ne-yah-nom-ska-ha, of the Black Bob band, are severalty Shawnees; that Tha-the-quah-he qua-ke-se and Blackfish, reported as heirs of Thomas Daugherty, of the Black Bob band, are severalty Shawnees, and Allen McDougal, reported sole heir of Ma-thah-we-ke-se, of the Black Bob band, is a severalty Shawnee.

JOHN ^{his} + PERRY.
mark.

JIM ^{his} + JACOB.
mark.

JIM ^{his} + BOB.
mark.

Sworn to and subscribed before me, the undersigned, a justice of the peace in and for Johnson County, State of Kansas, this 1st day of June, A. D. 1869.

SHERMAN KELLOGG,
Justice of the Peace.

Jim Jacob and John Perry, being sworn, say that they are Shawnee Indians, and that Mich-is qua-thok, of the Black Bob party of Shawnee Indians, reported as having applied for a patent for land in the Black Bob reserve, so called, died about nine years ago; that Nah-swe-se-mo, of the same band of Shawnees, reported as having applied for a patent, died about fourteen years ago; that Nar-swe-so-ne, of the same band of Shawnees, reported as having applied for a patent, died about eight years ago.

JIM ^{his} + JACOB.
mark.

JOHN ^{his} + PERRY.
mark.

Sworn to and subscribed before me, the undersigned, a justice of the

peace in and for Oxford Township, Johnson County, State of Kansas, this 1st day of June, A. D. 1869.

SHERMAN KELLOGG,
Justice of the Peace.

(18) Has-a-ta-cum-se, (19) Has-a-ta-cum-se, mother and sole heir of Ken-wak-ke-se, (20) Cho-e-qua, heir of Nah-haw-awat pe-a-se, (22) John Blackhoof, heir of William Littletail, (25) Oh-tha-wa-tha, (31) Wah-thak-se, being sworn, say they are members of Black Bob's band of Shawnees, and that they never applied to have the several proportions of the Black Bob reserve, so called, assigned to them in severalty, and are unwilling to receive patents therefor.

HAS-A-TA-CAM-SE. ^{his} +
mark.
HAS-A-TA-CAM-SE. ^{his} +
mark.
CHO-E-QUA. ^{his} +
mark.
OH-THA-WA-THA. ^{his} +
mark.
WAH-THAK-SE. ^{his} +
mark.
JOHN BLACKHOOF. ^{his} +
mark.

Sworn to and subscribed before me, the undersigned, a justice of the peace in and for the county of Johnson, State of Kansas, this 1st day of June, A. D. 1869.

SHERMAN KELLOGG,
Justice of the Peace.

Sally Williams, being sworn, says that she is a member of the Black Bob band of Shawnee Indians, and is the widow of George Williams, also of the same band, who died about ten years ago; that she never applied to have her share or her late husband's set apart in severalty, nor does she know who did so apply, but that some time last summer or fall David Blackfeather gave her a patent in her late husband's name for two hundred acres within the Black Bob reserve, but that she does not want the patent, preferring to hold the lands in common until it can all be sold at once.

SALLY ^{her} + WILLIAMS.
mark.

Sworn to and subscribed before me, the undersigned, a justice of the peace in and for Johnson County, State of Kansas, this 2d day of June, A. D. 1869.

SHERMAN KELLOGG,
Justice of the Peace.

Wah-ka-cha-wa, being sworn, says he is a member of the Black Bob band (so-called) of Shawnee Indians; that he never applied to have his share of the Black Bob reserve assigned to him in severalty, nor authorized any one to do so for him; nor did he ask or desire a patent for the

same; but that he always was, and still is, opposed to the issuance of patents to the members of said band; that, happening to be at De Soto about the month of November, 1867, James B. Abbott asked him if he would sell his land; that he answered if he could get four dollars per acre perhaps he would; that in a few moments after Agent Taylor asked him to touch a pen, which he did, and then the United States interpreter told him he had sold his land, and then Agent Taylor handed him three hundred and thirty dollars, which was all he ever received for his land. Affiant further says that he did not then know, nor does he now know, where his land lies, having never made any selection. Affiant says, further, that after he had touched the pen as requested by Agent Taylor, the latter gave him a patent, which he understands to be for his share of the Black Bob reserve, but that he does not want said patent.

WAH-KA-CHA-WA, ^{his} +
mark.

Sworn to and subscribed before me this 1st day of June, A. D. 1869.

SHERMAN KELLOGG,
Justice of the Peace.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
August 18, 1869.

SIR: I send you herewith inclosed a copy of a letter to this office, bearing date the 6th instant, from Agent Reuben L. Roberts, relative to the desire expressed by certain members of Black Bob's band of Shawnee Indians, that patents may be issued to them for their several selections under the Shawnee treaty of 1854.

You will direct Agent Roberts to submit his official communications with this office through yourself.

Your attention is also directed to the subject-matter of a letter addressed to you by this office on the 9th of June last, instructing you to immediately proceed to make a thorough and searching investigation of all the facts connected with the selections for and patenting of lands to members of said Black Bob's band, and to submit your report thereon to this office. It is very desirable that your report upon the matter should be submitted at an early day, and you will therefore use every effort to make yourself fully acquainted with the facts, and submit the same, together with an expression of your views upon the subject, to this office, at the earliest moment practicable.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

ENOCH HOAG,
Superintendent Indian Affairs, Lawrence, Kansas.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
August 25, 1869.

SIR: I send you herewith inclosed for your information a letter from Abelard Guthrie, dated the 16th instant, inclosing affidavits relative to the issue of patents to members of Black Bob's band of Shawnee Indians,

under the provisions of the Shawnee treaty of May 10, 1854, and also in regard to the sales of land so patented.

You will return the inclosed papers to this office with your report of investigation, which you have been directed to make in regard to this subject.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

ENOCH HOAG,

Superintendent Indian Affairs, Lawrence, Kansas.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,

Lawrence, Kansas, 8th Month 26, 1869.

SIR: I have the honor to acknowledge the receipt of department letter of the 18th instant, intended to inclose copy of one from Agent Reuben L. Roberts, relative to the desire expressed by certain members of Black Bob's band of Shawnee Indians, that patents may be issued to them for their several selections, under the Shawnee treaty of 1854, and directing that Agent Roberts be instructed to submit his official communications with the department through this office, &c.

The copy of the agent's letter referred to above was not inclosed.

The superintendent is now in the Seneca and Quapaw country making payments to the small tribes in that section.

Very respectfully, your obedient servant,

A. C. FARNHAM,
Clerk Superintendent's Office.

Hon. E. S. PARKER,

Commissioner, Washington, D. C.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

September 3, 1869.

SIR: I have received, by your clerk, your letter of the 26th ultimo, stating that the copy of the letter of Agent Reuben L. Roberts, relative to selections for certain members of Black Bob's band of Shawnee Indians, purporting to accompany a communication to yourself from this office, of the 18th ultimo, did not, in fact, accompany such letter.

I therefore send you herewith a copy of the letter of Agent Roberts, above referred to, bearing date the 6th ultimo.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

ENOCH HOAG,

Superintendent Indian Affairs, Lawrence, Kansas.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, August 25, 1869.

SIR: I send you herewith inclosed for your information a letter from Abelard Guthrie, dated the 16th instant, inclosing affidavits relative to

the issue of patents to members of Black Bob's band of Shawnee Indians, under the provisions of the Shawnee treaty of May 10, 1854, and also in regard to the sales of land so patented.

You will return the inclosed papers to this office with your report of investigation, which you have been directed to make in regard to this subject.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

ENOCH HOAG,

Superintendent Indian Affairs, Lawrence, Kansas.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Lawrence, Kansas, 8th Month 26, 1869.

SIR: I have the honor to acknowledge the receipt of department letter of the 18th instant, intended to inclose copy of one from Agent Reuben L. Roberts, relative to the desire expressed by certain members of Black Bob's band of Shawnee Indians that patents may be issued to them for their several selections, under the Shawnee treaty of 1854, and directing that Agent Roberts be instructed to submit his official communications with the department through this office, &c.

The copy of the agent's letter referred to above was not inclosed. The superintendent is now in the Seneca and Quapaw country, making payments to the small tribes in that section.

Very respectfully, your obedient servant,

A. C. FARNHAM,
Clerk Superintendent's Office.

Hon. E. S. PARKER,

Commissioner, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, Washington, September 3, 1869.

SIR: I have received your letter by your clerk of the 26th ultimo, stating that the copy of the letter of Agent Reuben L. Roberts relative to selections for certain members of Black Bob's band of Shawnee Indians, purporting to accompany a communication to yourself from this office of the 18th ultimo, did not in fact accompany such letter.

I therefore send you herewith a copy of the letter of Agent Roberts, above referred to, bearing date the 6th ultimo.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

ENOCH HOAG,

Superintendent of Indian Affairs, Lawrence, Kansas.

LAWRENCE, KANSAS, *September 4, 1869.*

DEAR SIR: I am desirous of procuring a list of applications now on file in your office for patents to Black Bob Shawnee lands, with names

of applicants, dates of applications, and descriptions of lands applied for. I want it for use in the controversy now pending in regard to those lands. I will be greatly obliged if you can furnish it to me, if not inconsistent with the rules of your office.

Very respectfully, yours,

E. G. ROSS.

Hon. E. S. PARKER,
Commissioner of Indian Affairs.

Please return list by the bearer, Mr. T. S. Slaughter.

E. G. R.

Not granted October 4, 1869.

E. S. P.

Presented by Mr. Slaughter October 4, 1869.

LAWRENCE, KANSAS, *September 4, 1869.*

SIR: I have within the last few days come in possession of information in regard to the disposition of the Black Bob Shawnee lands, which tends strongly to confirm my previous suspicions that great frauds upon the Indians and wrongs to the settlers thereon are being sought to be perpetrated through the confirmation of sales pretended to have been made by the Indians.

I most earnestly remonstrate against the confirmation of any of the pretended sales of those lands, and do so in the name of the Indians as well as of the settlers who went upon the lands when they were supposed to have been abandoned by the Indians, and with the countenance of the then Commissioner of Indian Affairs.

These settlers are willing to pay to the Indians all they ask for their lands, but are not permitted to do so through the machinations of a most corrupt ring, who are seeking to enrich themselves out of both the Indians and the settlers. Of the truth of this, from information which has lately come to me, I have no manner of doubt. I sincerely hope that you will take no steps whatever toward a confirmation of the patents that have been issued to the Indians, or of the deeds made under them, for I believe them to have been conceived in villainy and executed in fraud.

Very respectfully, your obedient servant,

E. G. ROSS.

Hon. J. D. COX,
Secretary of the Interior.

Action: Respectfully referred to the Commissioner of Indian Affairs.

GEO. T. METCALF,
Chief Clerk.

SEPTEMBER 10, 1869.

OFFICE SUPERINTENDENT OF INDIAN AFFAIRS,
Lawrence, Kansas, 9th Month 17, 1869

SIR: In office letter of instructions relative to patents granted to the Black Bob band of Shawnee Indians, to patents applied for, and conveyances of land by the same, dated June 9, 1869, I am required to "ascertain whether undue influence was exerted, or improper means adopted, as charged, to induce said Indians either to make the selections in question,

embracing as well those for which patents have been issued as those which were submitted for approval by Agent Taylor on the 2d of December last, hereinbefore referred to, and now pending (sixty-five in number) on application for patents, or to execute the conveyances before referred to, and also whether in each instance the selected tract has been patented to and conveyed by the patentee, and an adequate consideration has been paid to him by his grantee. You will immediately proceed to make a thorough and searching investigation of the whole subject, and submit your report thereon to this office at the earliest date practicable."

I entered upon this service on the 21st of sixth month, and continued through the 22d, and held a council with the Black Bob band. I had many obstacles to overcome, found much jealousy existing with a portion of this band toward the main tribe, and found it necessary to have an interpreter from each party. In this interview I obtained testimony from all that could be convened. By reason of the high waters, I was prevented from renewing my labor in that direction until the 15th, 16th, and 17th of seventh month, when I visited all I could have access to; the continued flood and absence from the country on the part of some preventing my seeing several contained in said list.

It appears from the investigation that, to some degree, "undue influence was used to induce selections," yet generally they seem to have been made as favorably as could reasonably be expected. It is also quite evident that, in some cases, an "adequate compensation" has not been paid to them by their grantees. It would be safe to infer that the price paid by speculators, by whom much of the land sold seems to have been purchased, was a low one even at the time they bought said lands, yet the price called for in the earlier deeds seems to be near that at which lands belonging to whites, and similarly situated, sold at that time.

In sixteen of the forty-three sales made by Indians to whites, (schedule "C,") the prices paid by the latter, as specified in said deeds of conveyance, amount to \$6,910. By the testimony of the grantors, they received only \$5,180, leaving a deficit of \$1,720. Explanations given by the contracting parties for this discrepancy of nearly one-fourth of the whole amount, purporting to have been paid for said lands, have not been satisfactory.

It is urged that expenses have occurred in arranging for the said sales, and together with the fee for making deeds, plats, and the revenue, create an estimate that should be paid by the grantor, thus reducing the amount named in the conveyance. Much advantage is taken of this precedent, at the expense of the grantor.

Our agents are paid for their services, and when they are too onerous they are provided with clerks, and they ought not to be allowed to take fees from their wards for doing their legitimate duties. The Indian should receive, in full, a fair value for his land in all cases, and when it is understood that this ruling will be enforced, we shall have little trouble in future conveyances.

I have carefully investigated the subject; have had several councils with the tribe, with the disaffected portion of the Black Bobs, and with individual members, and have used my best efforts to secure harmony in the tribe, and a reconciliation and settlement of their differences.

The greatest obstacle to this important end is the continued and persistent interference of self-constituted councilors, proclaiming themselves their only true friends and protectors, but who really desire to

keep alive some distracting element to enrich themselves at the expense and increased poverty of the poor Indians.

In several of my investigations I failed to get satisfactory answers; a fear seeming to exist to reply to my questions, and some of their testimony is conflicting. In my first examination I obtained testimony readily, but, by reason of the floods referred to, a long time elapsed before the labor was renewed. This interim afforded parties in interest the opportunity of exerting an influence over those grantors not visited to withhold their testimony; and on visiting them I found, as before observed, that it was quite difficult, from their shyness, suspicion, and diffidence, to obtain reliable answers.

As all the Shawnees, except a portion of the Black Bob band, are desirous to carry into execution their arrangements with the Cherokees, and to remove to the Cherokee country at the earliest practicable period, I deem it of great importance to the tribe, collectively and individually, that nothing should be suffered to obstruct this movement.

The few Black Bob Shawnees, who, influenced by interested parties, hold out against this arrangement, cannot longer remain where they are without great annoyance, suffering, and irretrievable ruin.

The whites claim they have been led, by high authority, to believe that this land would soon come into their possession, and have occupied the whole reserve. These Indians, naturally idle, have become too careless to think of making any effort to provide themselves against hunger by raising crops. They have no houses, but are living in tents and shanties that cannot protect them against the rigors of the coming winter.

They should at once join their brethren of the main tribe, as numbers of this band have already done, and which, it is thought, the remainder would do if they could be protected against those interested parties that are continually urging them to a contrary course, appealing to their vanity by instilling into their minds the idea that they, the remnant of the Black Bobs, now numbering, all told, some sixty-six persons, constitute the "Shawnee nation," and that they must keep up the organization, or "the nation" will become extinct.

To hasten the good work taken in hand by the Shawnee tribe of Indians, that of speedily selling their estates to enable them to go to their new homes with the Cherokees, and to put an end to this senseless division between the two parties, and to escape present and impending evils, I have thought it proper respectfully to recommend that the sales made upon patents issued "June 10, 1867," sixty-nine in number, be approved upon satisfactory evidence received by the department, through this office, that the grantors have received the full amount specified in the deeds of conveyance; and this recommendation is based upon a belief that the sales made are near the true value of the land at that time, and, considering the lapse of time since, much difficulty and delay might arise in an effort to cancel said patents.

In reference to the applications for patents forwarded the "2d day of November last," sixty-five in number, and submitted to the Secretary of the Interior for approval by the Commissioner on the "16th of March last," I would recommend that patents be issued in accordance with the applications therefor, and forwarded to this office with instructions:

First. For such of said patents to be delivered to all of said applicants entitled to them who have not yet made sale of the lands selected and specified in the patents; and

Second. That such of said patents be delivered to the residue of said applicants entitled to them when satisfactory evidence is received by

the department, through this office, that the grantor has received from the grantee the full amount specified in the deed of conveyance, as above.

In the adoption of this course I think the difficulties now existing will be speedily removed, the transfer of estates and the early removal of the Indians to the Indian country facilitated, and a healthful precedent adopted.

All of which is respectfully submitted.

ENOCH HOAG,
Superintendent Indian Affairs.

Hon. E. S. PARKER,
Commissioner.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, September 25, 1869.

SIR: Sundry letters of different dates have heretofore been addressed to you by this office relative to the lands of certain Shawnee Indians, known as Black Bob's band, and submitting thirty-two deeds, conveying portions of lands selected by and patented to members of said band, for the approval of the Secretary, and other papers.

Referring to your letter of the 2d of June last, in response to these letters, in which you direct the reference of the matter to the present superintendent of Indian affairs for the central superintendency, with instructions to make the necessary examination in relation to the lands about which the controversy has arisen, and to report the facts fully to the department, &c., I have now the honor to state that, in accordance with said directions, this office, on the 9th of June last, addressed a communication to said superintendent, Enoch Hoag, giving a brief history of the whole matter in controversy. He was furnished with a schedule containing a list of the names of sixty-nine members of Black Bob's band, with a description of the tract of land selected for them, respectively, and date of issue of patents for the same; also a schedule containing the names and description of the lands selected for sixty-five members of said band, transmitted to this office in December last by Agent Taylor; also a schedule containing a list of all the deeds executed by members of said band, giving the name of each grantor and grantee, the date of each deed, description of the land conveyed, and the consideration paid therefor. He was instructed to proceed immediately to make a thorough and searching investigation of the entire subject, and report at the earliest day possible.

The report of Superintendent Hoag is received, bearing date the 17th instant, which is herewith submitted, together with sundry other papers relating to these bands. In this report he gives a statement of his action in the premises, and the conclusions at which he has arrived, and makes certain recommendations, which are fully set forth in the report, in which recommendations I concur.

If these recommendations shall receive your approval, I respectfully request that you will return to this office all the papers in the case, that appropriate action may be taken in accordance therewith.

Very respectfully, your obedient servant,

W. F. CADY,
Acting Commissioner.

Hon. J. D. Cox,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., September 28, 1869.

SIR: I return herewith the report of Superintendent Hoag and accompanying papers, relative to the lands of certain Shawnee Indians, known as Black Bob's band, which were received with your letter of the 25th instant.

The recommendations of Superintendent Hoag are hereby approved, and you are instructed to take the necessary action to carry them into effect, in the manner specifically indicated by the superintendent.

Very respectfully, your obedient servant,

J. D. COX, *Secretary.*

W. F. CADY, Esq.,

Acting Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, September 29, 1869.

SIR: Your letter of the 17th instant has been received, in which you report the result of your investigation relative to patents granted to members of Black Bob's band of Shawnee Indians; to patents applied for and conveyances of land by the same, and in regard to which you made certain recommendations.

You are informed that your recommendations were approved by the honorable Secretary of the Interior, under date of the 28th instant. The applications (sixty-five in number) will be transmitted for the issuance of patents, and when the same are received they will be forwarded to you for delivery, upon the conditions mentioned in your letter.

You state that in sixteen of the forty-three sales embraced in the schedule C, sent you June 9, 1869, the full consideration mentioned in the deeds does not appear to have been paid, and you recommend that the deeds be approved when the department has received, through you, evidence of the payment of the full amount specified. You will forward such evidence when received.

You will, on receipt of this, inform this office to which of the deeds this specification relates, in order that they may be held suspended, and the remainder be approved.

Very respectfully, your obedient servant,

W. F. CADY,
Acting Commissioner.

ENOCH HOAG,

Superintendent of Indian Affairs, Lawrence, Kansas.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
October 4, 1869.

SIR: Referring to your letter of the 28th ultimo, approving the recommendations of Superintendent Hoag, relative to lands patented to members of Black Bob's band of Shawnee Indians, and conveyances of land, and applications for patents by members of said band, I have the honor to inclose herewith a schedule embracing the names of sixty-five mem-

bers of said band, or "settlement," who have made selections of land in accordance with the provisions of the Shawnee treaty of May 10, 1854, (Statutes at Large, vol. 10, p. 1053,) with descriptions of the lands selected, which lands are in the State of Kansas; and I respectfully recommend that this schedule be transmitted to the General Land Office, with directions that patents be issued to the parties therein designated, in accordance with the provisions of said treaty and the act of Congress approved March 3, 1859, (Statutes at Large, vol. 11, page 430,) for the lands, the descriptions of which are set opposite to their names, respectively, and that said patents be transmitted to this office for delivery.

Very respectfully, your obedient servant,

E. S. PARKER, *Commissioner.*

Hon. J. D. Cox,

Secretary of the Interior.

Schedule embracing names of members of Black Bob's band or "settlement" of Shawnee Indians, who have made selections of land in accordance with the provisions of the Shawnee treaty of May 10, 1854, with descriptions of the lands selected, which lands are in townships south of the base line and in ranges east of the 6th principal meridian in the State of Kansas.

Number.	Name.	Subdivision.	Section.	Township.	Range.	Acres.
70	Little Tom, (deceased).....	S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	7	14	24	40.00
		S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	7	14	24	40.00
		S. W. fl $\frac{1}{4}$ of N. W. $\frac{1}{4}$	7	14	24	31.50
		N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	7	14	24	40.00
		N. W. fl $\frac{1}{4}$ of S. W. $\frac{1}{4}$	7	14	24	31.70
						183.20
71	We-al-ke-queh.....	N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	7	14	24	40.00
		N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	7	14	24	40.00
		S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	7	14	24	40.00
		S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	7	14	24	31.90
		N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	18	14	24	32.00
						183.90
72	Allen Tom.....	N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	18	14	24	40.00
		S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	18	14	24	40.00
		S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	18	14	24	32.00
		N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	18	14	24	40.00
		N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	18	14	24	32.00
						184.00
73	Nah-ket-tah-het-on.....	S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	18	14	24	40.00
		S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	18	14	24	32.00
		N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	19	14	24	40.00
		S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	19	14	24	40.00
		N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	19	14	24	32.01
						184.01
74	Kol-ta-wy-a-me-a-se.....	S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	19	14	24	32.03
		N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	19	14	24	40.00
		N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	19	14	24	32.05
		S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	19	14	24	40.00
		S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	19	14	24	32.07
						176.15
75	Wah-se-ke-neh-wa-tah.....	N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	30	14	24	40.00
		N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	30	14	24	32.11
		S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	30	14	24	32.16
		N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	30	14	24	32.22
		S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	30	14	24	32.27
						168.76
76	Ko-ta-wip-to.....	S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	30	14	24	40.00
		N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	31	14	24	40.00
		N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	31	14	24	32.65
		S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	31	14	24	40.00
		S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	31	14	24	33.36
						186.01
77	Now-al-wip-to.....	N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	31	14	24	40.00
		N. W. fl $\frac{1}{4}$ of S. W. $\frac{1}{4}$	31	14	24	34.96
		S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	31	14	24	40.00
		S. W. fl $\frac{1}{4}$ of S. W. $\frac{1}{4}$	31	14	24	34.77
		S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	7	14	25	40.00
						188.83

Members of Black Bob's band of Shawnee Indians, &c.—Continued.

Number.	Name.	Subdivision.	Section.	Township.	Range.	Acres.
78	Old Possum, (deceased)	N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	8	14	24	40.00
		S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	8	14	24	40.00
		N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	11	14	24	40.00
		N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	11	14	24	40.00
		N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	11	14	24	40.00
						200.00
79	Mo-so-tah, (deceased)	S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	11	14	24	40.00
		S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	11	14	24	40.00
		S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	11	14	24	40.00
		N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	14	14	24	40.00
		N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	14	14	24	40.00
						200.00
80	The-ke-quah, (deceased)	N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	14	14	24	40.00
		N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	14	14	24	40.00
		S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	14	14	24	40.00
		S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	14	14	24	40.00
		S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	14	14	24	40.00
						200.00
81	Cha-ke-sa-wah, (deceased)	S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	23	14	24	40.00
		N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	23	14	24	40.00
		N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	23	14	24	40.00
		S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	23	14	24	40.00
		S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	23	14	24	40.00
						200.00
82	Kin-quah	N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	26	14	24	40.00
		N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	26	14	24	40.00
		S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	26	14	24	40.00
		S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	26	14	24	40.00
		N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	26	14	24	40.00
						200.00
83	La-tha-kah-na-cum, (deceased)	N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	26	14	24	40.00
		N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	26	14	24	40.00
		S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	26	14	24	40.00
		S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	26	14	24	40.00
		N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	26	14	24	40.00
						200.00
84	Hoh-ka-wah-cum-se-kah, or Joe Charlie	N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	12	14	24	40.00
		N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	12	14	24	40.00
		S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	12	14	24	40.00
		N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	12	14	24	40.00
						200.00
85	Tho-win-na-so	N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	11	14	24	40.00
		S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	11	14	24	40.00
		N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	12	14	24	40.00
		S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	12	14	24	40.00
		S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	12	14	24	40.00
						200.00
86	Hah-ta-them-wah	N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	13	14	24	40.00
		S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	13	14	24	40.00
		S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	13	14	24	40.00
		N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	13	14	24	40.00
		N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	13	14	24	40.00
						200.00

Members of Black Bob's band of Shawnee Indians, &c.—Continued.

Number.	Name.	Subdivision.	Section.	Township.	Range.	Acres.
87	Toh-nox-se-se	N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	13	14	24	40.00
		N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	13	14	24	40.00
		S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	13	14	24	40.00
		S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	13	14	24	40.00
		N. E. $\frac{1}{4}$, N. W.	13	14	24	40.00
						200.00
88	Kow-pow-se	N. E. $\frac{1}{4}$ of S. E.	13	14	24	40.00
		N. W. $\frac{1}{4}$ of S. E.	13	14	24	40.00
		S. W. $\frac{1}{4}$ of S. E.	13	14	24	40.00
		S. E. $\frac{1}{4}$, S. W.	13	14	24	40.00
		S. W., S. W.	13	14	24	40.00
						200.00
89	Woh-wa-pe-a-se	N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	22	14	25	40.00
		N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	22	14	25	40.00
		S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	22	14	25	40.00
		S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	22	14	25	40.00
		S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	15	14	25	40.00
						200.0
90	John Williams, (deceased)	N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	24	14	24	40.00
		S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	24	14	24	40.00
		N. E. $\frac{1}{4}$, S. E. $\frac{1}{4}$	24	14	24	40.00
		N. W. $\frac{1}{4}$, S. E. $\frac{1}{4}$	24	14	24	40.00
		S. W. $\frac{1}{4}$, S. E. $\frac{1}{4}$	24	14	24	40.00
						200.00
91	Lah-pe-the-quah, (deceased)	S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	24	14	24	40.00
		S. W. of S. W. $\frac{1}{4}$	24	14	24	40.00
		N. E. $\frac{1}{4}$, N. W. $\frac{1}{4}$	25	14	24	40.00
		N. W. $\frac{1}{4}$, N. W. $\frac{1}{4}$	25	14	24	40.00
		S. W. $\frac{1}{4}$, N. W. $\frac{1}{4}$	25	14	24	40.00
						200.00
92	John Tecumseh, (deceased)	S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	6	14	25	40.00
		S. E. $\frac{1}{4}$, S. W.	6	14	25	40.00
		N. W., S. W.	6	14	25	40.00
		S. E., S. W.	6	14	25	40.00
		S. W., S. W.	6	14	25	40.00
						200.00
93	We-sa-ka-la-mah	N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	5	14	25	39.65
		S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	5	14	25	40.00
		S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	5	14	25	40.00
		N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	7	14	25	40.00
		N. W. $\frac{1}{4}$	7	14	25	40.00
						199.65
94	William Henry	S. W. N. W. $\frac{1}{4}$	7	14	25	40.00
		N. E. $\frac{1}{4}$ S. W.	7	14	25	40.00
		N. W. $\frac{1}{4}$ S. W.	7	14	25	40.00
		S. E. $\frac{1}{4}$ S. W.	7	14	25	40.00
		S. W. $\frac{1}{4}$ S. W.	7	14	25	40.00
						200.00
95	Mo-ke-pea	N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	18	14	25	40.00
		N. E. $\frac{1}{4}$ N. W.	18	14	25	40.00
		N. W. $\frac{1}{4}$ N. W.	18	14	25	40.00
		S. E. $\frac{1}{4}$ N. W.	18	14	25	40.00
		S. W. $\frac{1}{4}$ N. W.	18	14	25	40.00
						200.00
96	Pel-wah-pe-a-se	S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	13	14	24	40.00
		N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	18	.....	25	40.00
		N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	18	.....	25	40.00
		S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	18	.....	25	40.00
		S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	18	.....	25	40.00
						200.00

Members of Black Bob's band of Shawnee Indians, &c.—Continued.

Number.	Name.	Subdivision.	Section.	Township.	Range.	Acres.
97	John Shawnee, (deceased).....	N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	18	14	25	40.00
		S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	18	14	25	40.00
		S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	18	14	25	40.00
		N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	18	14	25	40.00
		N. W. $\frac{1}{4}$	18	14	25	40.00
						200.00
98	Poot-sa-te.....	S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	18	14	25	40.00
		S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	18	14	25	40.00
		N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	19	14	25	40.00
		N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	19	14	25	40.00
		S. W. of N. E. $\frac{1}{4}$	19	14	25	40.00
						200.00
99	Che-pe-muck-ko, (deceased).....	S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	19	14	25	40.00
		N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	19	14	25	40.00
		N. W.	19	14	25	40.00
		S. E.	19	14	25	40.00
		S. W.	19	14	25	40.00
						200.00
100	Nah-ko-twah-cum-se, (deceased).....	S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	19	14	25	40.00
		N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	19	14	25	40.00
		N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	19	14	25	40.00
		S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	19	14	25	40.00
		S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	19	14	25	40.00
						200.00
101	William Ellick.....	N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	5	14	25	39.75
		N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	5	14	25	39.85
		N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	5	14	25	39.95
		S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	5	14	25	40.00
		S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	5	14	25	40.00
						199.55
102	Jane Crossman.....	S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	4	14	25	40.00
		N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	5	14	25	40.00
		N. W.	5	14	25	40.00
		S. E.	5	14	25	40.00
		S. W.	5	14	25	40.00
						200.00
103	Ta-pe-a-se-kak, or Billy Wolf.....	N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	8	14	25	40.00
		S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	8	14	25	40.00
		N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	8	14	25	40.00
		N. W. of N. W. $\frac{1}{4}$	8	14	25	40.00
		S. E. of N. W. $\frac{1}{4}$	8	14	25	40.00
						200.00
104	Ka-sa.....	S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	20	14	25	40.00
		N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	20	14	25	40.00
		N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	20	14	25	40.00
		S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	20	14	25	40.00
		S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	20	14	25	40.00
						200.00
105	Henry J. Dougherty.....	N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	4	14	25	39.15
		N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	4	14	25	39.45
		S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	4	14	25	40.00
		S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	4	14	25	40.00
		N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	4	14	25	40.00
						198.60

Members of Black Bob's band of Shawnee Indians, &c.—Continued.

Number.	Name.	Subdivision.	Section.	Township.	Range.	Acres.
106	Ho-qua	N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	8	14	25	40.00
		S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	8	14	25	40.00
		N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	9	14	25	40.00
		S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	9	14	25	40.00
		S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	9	14	25	40.00
						200.00
107	Lou-kow-wa-se.....	N. E. fl $\frac{1}{4}$ of N. E. $\frac{1}{4}$	4	14	25	38.55
		N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	4	14	25	38.85
		S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	4	14	25	40.00
		S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	4	14	25	40.00
		N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	4	14	25	40.00
						197.40
108	Me-wah-pe-a-se.....	N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	4	14	25	40.00
		N. W. $\frac{1}{4}$	4	14	25	40.00
		S. E. $\frac{1}{4}$	4	14	25	40.00
		S. W. $\frac{1}{4}$	4	14	25	40.00
		S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	4	14	25	40.00
						200.00
109	James Hunter	N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	9	14	25	40.00
		N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	9	14	25	40.00
		S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	9	14	25	40.00
		S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	9	14	25	40.00
		N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	9	14	25	40.00
						200.00
110	Laura Hunter, (deceased).....	N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	3	14	25	40.00
		N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	3	14	25	40.00
		S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	3	14	25	40.00
		S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	3	14	25	40.00
		N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	3	14	25	40.00
						200.00
111	Old Hunter, (deceased).....	N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	10	14	25	40.00
		S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	10	14	25	40.00
		S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	10	14	25	40.00
		N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	10	14	25	40.00
		N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	10	14	25	40.00
						200.00
112	David Wolf.....	N. W. fl $\frac{1}{4}$ of N. W. $\frac{1}{4}$	3	14	25	38.47
		S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	3	14	25	40.00
		S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	3	14	25	40.00
		N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	3	14	25	40.00
		N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	3	14	25	40.00
						198.47
113	Kow-wa-pea	S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	3	14	25	40.00
		S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	3	14	25	40.00
		N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	10	14	25	40.00
		N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	10	14	25	40.00
		S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	10	14	25	40.00
						200.00
114	Ta-tip-se-kah	S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	10	14	25	40.00
		N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	10	14	25	40.00
		N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	10	14	25	40.00
		S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	10	14	25	40.00
		S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	10	14	25	40.00
						200.00

Members of Black Bob's band of Shawnee Indians, &c.—Continued.

Number.	Name.	Subdivision.	Section.	Township.	Range.	Acres.
115	Hoh-oh-la-nah-pe-a	N. E. $\frac{1}{4}$ of N. W.	22	14	25	40.00
		N. W. $\frac{1}{4}$ of N. W.	22	14	25	40.00
		S. E. $\frac{1}{4}$ of N. W.	22	14	25	40.00
		S. W. $\frac{1}{4}$ of N. W.	22	14	25	40.00
		S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	15	14	25	40.00
						200.00
116	Tah-pah	N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	22	14	25	40.00
		N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	22	.....	.....	40.00
		S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	22	.....	.....	40.00
		S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	22	.....	.....	40.00
		N. E. $\frac{1}{4}$ of N. W.	27	14	25	40.00
						200.00
117	Shan-a-nah-muck-ka	N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	22	14	25	40.00
		N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	22	14	25	40.00
		S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	22	14	25	40.00
		S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	22	14	25	40.00
		N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	27	14	25	40.00
						200.00
118	Noh-koh-brah, (deceased)	N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	33	14	25	40.00
		S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	33	14	25	40.00
		S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	33	14	25	40.00
		N. E. $\frac{1}{4}$ of S. E.	33	14	25	40.00
		N. W. $\frac{1}{4}$ of S. E.	33	14	25	40.00
						200.00
119	Little Charles	N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	33	14	25	40.00
		N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	33	14	25	40.00
		N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	33	14	25	40.00
		S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	33	14	25	40.00
		S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	33	14	25	40.00
						200.00
120	Hoh-so-wah-pe-a-se	S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	33	14	25	40.00
		N. E. $\frac{1}{4}$ of S. W.	33	14	25	40.00
		N. W. $\frac{1}{4}$	33	14	35	40.00
		S. E. $\frac{1}{4}$ of S. W.	33	14	25	40.00
		S. W. $\frac{1}{4}$ of S. W.	33	14	25	40.00
						200.00
121	Che-la-thah	S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	33	14	25	40.00
		N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	34	14	25	40.00
		N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	34	14	25	40.00
		S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	34	14	35	40.00
		S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	34	14	35	40.00
						200.00
122	Hos-kas-that	N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	34	14	25	40.00
		N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	34	14	25	40.00
		N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	34	14	25	40.00
		S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	34	14	25	40.00
		S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	34	14	25	40.00
						200.00
123	Harriet Douglas	N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	6	14	25	40.00
		N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	6	14	25	40.00
		N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	6	14	25	40.00
		N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	6	14	25	40.00
		S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	6	14	25	40.00
						200.00

Members of Black Bob's band of Shawnee Indians, &c.—Continued.

Number.	Name.	Subdivision.	Section.	Township.	Range.	Acres.
124	Billy William Williams	S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	16	14	25	40.00
		N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	16	14	25	40.00
		S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	16	14	25	40.00
		N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	21	14	25	40.00
		S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	21	14	25	40.00
						200.00
125	Quah-ma-se	N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	16	14	25	40.00
		S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	16	14	25	40.00
		N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	17	14	25	40.00
		N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	21	14	25	40.00
		S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	21	14	25	40.00
						200.00
126	He-tah-wah-cum-se	N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	15	14	25	40.00
		S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	15	14	25	40.00
		S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	16	14	25	40.00
		N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	21	14	25	40.00
		S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	21	14	25	40.00
						200.00
127	How-we-ken-que	S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	34	14	25	40.00
		N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	34	14	25	40.00
		N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	34	14	25	40.00
		S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	34	14	25	40.00
		S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	34	14	25	40.00
						200.00
128	He-pe-wa-se	N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	27	14	25	40.00
		S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	27	14	25	40.00
		S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	27	14	25	40.00
		N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	27	14	25	40.00
		N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	27	14	25	40.00
						200.00
129	Ha-koh-to wah-pe-a	N. E. $\frac{1}{4}$ of N. E.	15	14	25	40.00
		N. W. $\frac{1}{4}$ of N. E.	15	14	25	40.00
		S. E. $\frac{1}{4}$ of N. E.	15	14	25	40.00
		S. W. $\frac{1}{4}$ of N. E.	15	14	25	40.00
		N. W. $\frac{1}{4}$ of S. E.	15	14	25	40.00
						200.00
130	John Bob	N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	36	14	24	40.00
		N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	36	14	24	40.00
		S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	36	14	24	40.00
		S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	36	14	24	40.00
		N. E. $\frac{1}{4}$ of S. E.	36	14	24	40.00
						200.00
131	French Baptiste	S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	34	14	24	40.00
		N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	34	14	24	40.00
		N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	34	14	24	40.00
		S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	34	14	24	40.00
		S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	34	14	24	40.00
						200.00
132	Pe-ta-wah-cum-seh	N. E. $\frac{1}{4}$ of N. W.	36	14	24	40.00
		N. W. $\frac{1}{4}$ of N. W.	36	14	24	40.00
		S. E. $\frac{1}{4}$ of N. W.	36	14	24	40.00
		S. W. $\frac{1}{4}$ of N. W.	36	14	24	40.00
		N. W. $\frac{1}{4}$ of S. W.	36	14	24	40.00
						200.00

Members of Black Bob's band of Shawnee Indians, &c.—Continued.

Number.	Names.	Subdivision.	Section.	Township.	Range.	Acres.
133	Doctor Rib, (deceased)	S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	25	14	24	40. 00
		N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	25	14	24	40. 00
		N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	25	14	24	40. 00
		S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	25	14	24	40. 00
		S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	25	14	24	40. 00
						200. 00
134	Ho-tak-e-no-wah	N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	35	14	24	40. 00
		N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	35	14	24	40. 00
		S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	35	14	24	40. 00
		S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	35	14	24	40. 00
		N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$...	35	14	24	40. 00
						200. 00

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
October 1, 1869.

SIR: The foregoing schedule embraces the names of members of Black Bob's band or "settlement" of Shawnee Indians who have made selections of land in accordance with the provisions of the Shawnee treaty of May 10, 1854, (United States Statutes at Large, vol. 10, p. 1,053,) with descriptions of the lands selected, which lands are in townships fourteen south of the base line, and in ranges twenty-four or twenty-five east of the sixth principal meridian, in the State of Kansas.

These names and the selections have been certified to this office by the chiefs and councilmen of the Shawnee tribe of Indians, and by the United States agent for said tribe, under date of November 2, 1868. I respectfully recommend that the schedule be transmitted to the General Land Office, with directions that patents be issued to the parties therein designated in accordance with the provisions of said treaty, and the act of Congress approved March 3, 1859, (Statutes at Large, vol. 11, p. 430,) for the lands, the descriptions of which are set opposite to their names respectively, and that said patents be transmitted to this office for delivery.

E. S. PARKER,
Commissioner.

Hon. J. D. COX,
Secretary of the Interior.

WASHINGTON CITY, D. C., October 6, 1869.

SIR: On my first arrival in the city last Friday, the Acting Commissioner of Indian Affairs informed me that the report of Superintendent Hoag upon the Black Bob Indian matter had been received, but that no action had been taken upon the matter by the department. On the following Monday, however, Commissioner Parker informed me that the Black Bob case had been decided, and instructions issued by you to carry out the decision of the department. What that decision is I was not permitted to know; but, presuming that it is in favor of the

patentees, I desire to call your attention to the fact that I am ready to prove undoubted fraud in the issuance of the sixty-nine patents, and for this purpose I would respectfully ask that the case be reopened until proof can be submitted establishing the following points:

1st. That the original selections of the Indians belonging to Black Bob's band were filed with a letter dated by James B. Abbott six months after he ceased to be agent. The registry of the dates and receipts of letters will show this fact.

2d. There is proof, as I am prepared to show, that Abbott delivered the said letter in person after he ceased to be agent.

3d. The correspondence on file in the Indian Office will show the fact that the list of Indians to whom patents were issued was not the same list approved by the Secretary of the Interior—some of the names having been changed by the Indian Office after the list had been approved by the Secretary, as will appear from the correspondence on file between the Indian Office and the Shawnee agent.

4th. An examination of the census roll of Black Bob's band will show that some of the Indians to whom patents were issued were born after the treaty of 1854, consequently they are not entitled to patents.

5th. I am prepared to prove, by a person that conversed with Abbott and Taylor on the subject, that they confessed that the list of applicants for the sixty-nine patents was not made at the time it purported to be made by Abbott's letter, but was made after his removal from office, and after the appointment of H. L. Taylor as his successor; the object being to give the selections the force of the approval of both Abbott and Taylor.

6th. There is a fraud in the selections in this, that the sixty-nine patents cover nearly all the valuable lands of the reservation—lands that are worth from four to five times as much as thousands of acres that would be forced upon other members of the band, as I am prepared to prove.

7th. Three of the patentees have been dead eight, nine, and fourteen years respectively, and could not have applied for patents.

8th. Seven of the patentees make oath that they never applied for patents, nor authorized any one to do so for them, and state that they are opposed to dividing the land.

9th. Eight of the parties receiving a share each of this land are severalty Indians, and have no right to make selections under the fourth article of the treaty.

10th. The sales to J. C. Irwin are fraudulent in this: the agent's certificate as to the amount paid the Indian is false; the Indians did not receive anything near the amount of consideration mentioned in the deeds.

For the foregoing reasons, and others that I might mention, I respectfully but most earnestly request a reconsideration of this case, and access given me to such papers and report on file in the department as will be necessary to a full and complete elimination of all the facts connected with this gigantic and barefaced fraud upon the Indians and upon the poor white people who now occupy their lands by encouragement of the Indian Department.

I have the honor to be, most respectfully, your obedient servant,

T. S. SLAUGHTER.

Hon. J. D. Cox,

Secretary of the Interior.

P. S.—I am prepared to prove these facts, and would have done so on

last Monday, had it not been that your decision cut me off from asking the privilege of submitting the proof and arguments in the case.

T. S. S.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, October 8, 1869.

SIR: I have the honor to submit herewith a letter addressed to you by T. S. Slaughter, esq., and filed in this office, protesting against the decision of this department in approving the recommendations contained in the report of Enoch Hoag, superintendent of Indian affairs, of the 17th ultimo, relative to the selections of land made for, and patents issued to, members of Black Bob's band of Shawnee Indians under the Shawnee treaty of 1854, and making certain charges of fraud and irregularity in regard to the manner of making such selections, and the issuance of patents therefor.

Mr. Slaughter, in his letter above mentioned, makes ten distinct charges, the first of which is: "That the original selections of the Indians belonging to Black Bob's band were filed with a letter dated by James B. Abbott six months after he ceased to be agent."

With reference to this assertion, I would state that it appears, from the records and files of this office, that the letter of James B. Abbott, inclosing the original list of selections for the Indians in question, bears date September 30, 1866, but does not appear to have been filed in this office until the 18th of April, 1867. It further appears that Agent H. L. Taylor, the successor of Mr. Abbott, was notified of his appointment October 10, 1866, and his commission inclosed to him October 31, 1866, with instructions to report to superintendent for duty.

The third assertion of Mr. Slaughter is: "That the correspondence on file in the Indian Office will show the fact that the list of Indians to whom patents were issued was not the same list approved by the Secretary of the Interior, some of the names having been changed by the Indian Office after the list had been approved by the Secretary, as will appear from the correspondence on file between the Indian Office and the Shawnee agents."

With reference to this charge I have to say that the files of this office indicate that the original list of selections referred to, (sixty-nine in number,) certified to by the Shawnee chief, for which patents were issued, was sent to the Secretary of the Interior by this office on the 14th of May, 1867, and by him approved on the 16th of the same month, and transmitted to the Commissioner of the General Land Office, with directions for the issuance of patents as therein indicated. Subsequent to the last named date, but prior to the issuance of the patents, upon letter received from this office, the Commissioner of the General Land Office caused a slight alteration to be made in the orthography of the last syllable of the name of one of the parties entitled to receive a patent, making it read "Ton-qua-se-kah," instead of "Ton-qua-se-kwa," and also, in accordance with a letter from this office of June 15, 1867, based upon a report received from H. L. Taylor, then agent of the Shawnees, an alteration was made in said list by the addition of an Indian *alias* to the English names of each of five of said Indians entitled to patents, and numbered on said list as Nos. 8, 13, 14, 53, and 57, respectively.

Fourthly, Mr. Slaughter says that "an examination of the census-roll of Black Bob's band will show that some of the Indians to whom pat-

ents were issued were born after the treaty of 1854; consequently they are not entitled to patents."

With reference to this assertion it is proper to state that the treaty with the Shawnees hereinbefore referred to was proclaimed by the President on the 10th of November, 1854; that the census of the tribe was taken during the winter of 1856-'57, at which time five of the Indians of Black Bob's band, to whom patents have been issued, were respectively aged as follows: Now-wal-pe-a-se-kah, two years; Un-ka-wath-kuk Bob, two years; George Williams, two years; Nah-to-nah-kasse, (patents issued to heirs,) one year; and Lot C. Macey, six months; the other patentees being all older.

The tenth charge is that "the sales to J. C. Irvin are fraudulent in this: the agent's certificate as to the amount paid the Indians is false; the Indians did not receive anything near the amount of consideration mentioned in the deeds."

Concerning this point Superintendent Hoag, in his report to this office of the 17th ultimo, says that it is quite evident that in some cases an adequate consideration has not been paid to the Indians by their grantees; that in sixteen of the forty-three sales made by Indians to whites the prices paid by the latter, as specified in the deeds of conveyance, amount to \$6,910, but, by the testimony of the grantors, they received only \$5,180, leaving a deficit of \$1,720, for which no satisfactory explanation has been given by the contracting parties. Superintendent Hoag, therefore, recommends that, in the case of these last-named sales, the deeds be not approved by this department until satisfactory evidence is received, through him, that the unpaid portion of the specified consideration is fully received in full by each of the grantors entitled thereto.

In regard to the other charges this office has no information, except so far as the same may appear in relation to one or two, from *ex parte* statements, which comprise a part of the voluminous mass of papers which have been filed in this office in regard to this matter, and from the report of Superintendent Hoag, who, in accordance with your directions, communicated through this office, made a full and thorough investigation of the whole matter. Superintendent Hoag communicated the result of his investigation under date of the 17th ultimo, as hereinbefore referred to, and his recommendations were approved by you, and this office directed, by your letter of the 28th ultimo, to take the necessary action to carry the same into effect in the manner specifically indicated by the superintendent; and action accordingly has been taken by this office by reporting to you, under date of the 4th instant, a list of the names of sixty-five members of Black Bob's band for whom selections have been made, with the request that you approve and transmit the same to the Commissioner of the General Land Office, with directions that he cause patents to be issued to the parties therein indicated for the tracts set opposite their respective names; and also by directing Superintendent Hoag, by letter dated the 29th ultimo, to specify the names of the parties to the sixteen deeds of conveyance wherein the full amount of the purchase money has not been paid, in order that this department may withhold its approval from such deeds until such deficit is fully paid; and by reporting for your approval, on the 5th instant, two deeds from members of said band, executed before the present agent, which deeds were approved by you on the 6th instant, and returned to this office.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

Hon. J. D. Cox,
Secretary of the Interior.

LEAVENWORTH, KANSAS, *October 11, 1869.*

SIR: At different times in 1868 and 1869 I filed in the Indian office, for approval, a number of deeds—I believe thirty-seven in all—executed by Shawnee Indians, Black Bobs.

Will the department please to inform me if any definite action has yet been had upon said deeds, and if they have been approved I respectfully request that they be forwarded to my address here by express.

Respectfully, your obedient servant,

JAS. G. BLUNT.

Hon. E. S. PARKER,
Commissioner of Indian Affairs.

WASHINGTON CITY, *October 16, 1869.*

SIR: In connection with "the Black Bob land case," I desire information from the records of your bureau on the following points, viz:

1st. The number of Indians in Black Bob's band at the time that its lands in common were assigned to it. This will be proved by the census taken at the time of the assignment in 1854, or by the quantity of lands assigned, divided by 200.

2d. The present number of Indians in said band, or on the 10th day of June, 1867, when the patents in question were issued.

3d. Whether there is any evidence on record in your bureau showing that the band, as a whole, desired to discontinue holding its lands in common, and thereafter to hold them in severalty, so as to warrant selections by individual members of the band, as against the common interest.

4th. What evidence exists in the bureau showing that the parties named as the heirs of certain original members of that band, to whom patents are issued, *are* such heirs, and that there are *no other*, more or less.

I am giving the matter immediate attention, and an early answer on these points will hasten the time when I will be able to submit the case to your consideration.

With great respect, I have the honor to be, yours truly,

JOHN A. WILLS,

No. 456 Fifteenth Street, Attorney for Indians and Settlers.

Gen. E. S. PARKER,
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

October 18, 1869.

SIR: Your letter of the 16th instant has been received, relative to Black Bob's band of Shawnee Indians, and in reply to your interrogatories I have to state:

1st. The number of Shawnee Indians who elected to hold lands in common, as appears from a census of the tribe taken in the winter of 1856 and 1857, is one hundred and sixty-seven.

2d. There is nothing in the possession of this office showing the number of Indians in said band at the present time, or on the 10th day of June, 1867.

In answer to your third and fourth interrogatories I have to state that the evidence filed in the case has been fully before the honorable Secretary of the Interior, and he has made his decision as to what has been proved.

This evidence will be again laid before the Secretary if you desire it, and it is deemed necessary. To state what the evidence before the office shows, beyond giving an opinion, would involve the necessity of furnishing you a copy of the same, and it is so voluminous that with the present force of the office it would not be practicable to do this.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

JOHN A. WILLS, Esq.,
No. 456 Fifteenth Street, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
October 19, 1869.

SIR: I have received your communication of the 11th instant, relative to the status of certain deeds—thirty-seven in number—executed by members of Black Bob's band of Shawnee Indians, and filed by you in this office for the approval of the Secretary of the Interior.

For your information I have to state that, in accordance with the recommendations contained in report of Superintendent Hoag, of the 9th ultimo, and approved by the Secretary of the Interior in letter to this office of the 28th ultimo, satisfactory evidence will be required to be furnished to this office, through Superintendent Hoag, that the grantor in each case received the full amount of consideration specified in the deed or deeds of conveyance executed by him or her, respectively, before the same can be approved.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

General JAMES G. BLUNT,
Leavenworth, Kansas.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, October 25, 1869.

SIR: There were filed in this office with your letters, dated, respectively, May 26 and June 3, 1869, eight deeds executed to sundry parties, from certain members of Black Bob's band of Shawnee Indians, for portions of the land patented to them under the provisions of the Shawnee treaty of 5184.

You are therefore hereby informed that, in accordance with the recommendations contained in report of Superintendent Hoag, of the 9th ultimo, and approved by the Secretary of the Interior in letter to this office of the 28th ultimo, satisfactory evidence will be required to be furnished to this office, through Superintendent Hoag, that the grantor in each case received the full amount of consideration specified in the

deed or deeds of conveyance executed by him or her respectively, before the same can be approved.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

JAMES B. ABBOTT, Esq.,
De Soto, Kansas.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Lawrence, Kansas, 10th month 11, 1869.

SIR: Referring to office letter of 29th ultimo, in response to mine of the 17th ultimo, reporting the result of the Black Bob matter, I find therein the following instructions:

You will, on the receipt of this, inform this office to which of the deeds this specification relates, in order that they may be held suspended, and the remainder be approved.

In response, I would say I did not intend the language of my report should convey to you an impression that the remaining twenty-seven of the forty-three transfers set forth in Schedule C were void of the deficiencies pertaining to the sixteen *specified*, but the discrepancies in them (the twenty-seven) were not so large. They should all be subject to the same ruling.

Respectfully,

ENOCH HOAG,
Superintendent Indian Affairs.

Hon. E. S. PARKER,
Commissioner.

List of deeds executed by members of Black Bob's band of Shawnee Indians, (reserves,) under treaty of May 10, 1854, filed in the Office of Indian Affairs for the approval of the Secretary of the Interior, upon which the deficiency reported by the superintendent of Indian affairs, in a communication to the Commissioner of Indian Affairs, dated 9th month 17, 1869, has been met.

No.	Name of grantor.	Name of grantee.	Date of deed.	Description of land.				Acres.	Amount.
				Subdivision.	Sec.	Town.	Range.		
1	Hoh-lah-que-che	J. C. Irwin.....	Dec. 22, 1867	S. $\frac{1}{4}$, S. E. $\frac{1}{4}$	9	14	25	100.00	\$390 00
2	Lewis Coffee	do	Nov. 19, 1867	N. $\frac{1}{4}$, N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	16	14	25	100.00	525 00
3	Nah-kah-na-pe-a-se-kah	do	Dec. 4, 1867	S. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	6	14	25	100.00	350 00
4	Wa-ka-cho-wa	do	Nov. 18, 1867	N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	19	14	24	100.00	400 00
5	Susan Tiblow	do	Nov. 12, 1867	W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	30	14	24	100.00	375 00
6	Lewis Coffee and Pah-me-thah-kwa, heirs of Coffee (deceased) ..	do	Nov. 19, 1867	S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	32	14	24	100.00	420 00
7	Lah-la	do	Nov. 11, 1867	N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	32	14	24	100.00	390 00
8	Math-kaw-a-se	do	Nov. 27, 1867	W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	19	14	21	99.74	390 00
9	Math-tha-na-se Bob	do	Nov. 12, 1867	S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	21	14	24	100.00	415 00
10	Mah-che-lo-se	do	Nov. 11, 1867	W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	22	14	25	100.00	350 00
11	Allen McDougal, sole heir of Ma-thah-we-ke-se	do	Nov. 12, 1867	E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	9	14	24	100.00	360 00
12	Nancy Tiblow, by guardian, James Tiblow	do	Dec. 9, 1867	N. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	16	14	24	100.00	375 00
13	Johnson Blackfeather <i>et al.</i> , heirs of Pa-ne-a-se (deceased) ..	do	Nov. 16, 1867	S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	8	14	24	100.00	500 00
14	Sally Tiblow	do	Nov. 12, 1867	N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	8	14	24	100.00	375 00
15	Henry Ellick	do	Nov. 19, 1867	N. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	17	14	21	100.00	425 00
16	Mary McLane, sole heir of Kish-e-wah-cum-sah and Kin-wa-cum-se ..	do	Nov. 18, 1867	S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	17	14	21	200.00	600 00

17	John Francis and Su-quah, heirs of Sah-kh-te-zah.....	do	Nov. 9, 1867	S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	27	14	24	100.00	280 00
18	Johnson Blackfeather	do	Nov. 9, 1867	N. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	34	14	24	100.00	325 00
19	John Francis.....	do	Nov. 9, 1867	N. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	9	14	24	100.00	280 00
20	T-ha-the-qua-ka-se, sole heir of Thomas Dougherty.....	do	Nov. 18, 1867	N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ N. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	28	14	24	100.00	350 00
21	Betsey Perry, sole heir of Martin Blackhoof (deceased).....	do	Nov. 7, 1867	S. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	21	14	24	100.00	325 00
22	Betsey Perry.....	do	Nov. 7, 1867	W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ E. $\frac{1}{4}$ of E. $\frac{1}{4}$ of E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	21	14	24	100.00	325 00
23	Su-quah	do	Nov. 9, 1867	W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	21	14	24	100.00	280 00
24	Johnson Blackfeather, David Blackfeather and James Blackfeather, heirs of Kin-wah-pe-ase (deceased.).....	do	Nov. 16, 1867	N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ N. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	33	14	24	100.00	500 00
25	James Blackfeather, alias Quah-ke-cha.....	do	Nov. 16, 1867	S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$	29	14	24	100.00	500 00
26	Big Fox, sole heir of John Fox (deceased)	do	Nov. 18, 1867	N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$	32	14	24	100.00	400 00
27	John Big Fox.....	do	Nov. 8, 1867	S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	16	14	24	100.00	300 00
28	Po-eat-we	do	Dec. 16, 1867	W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	15	14	24	100.00	425 00
29	Pel-a-quah.....	do	Nov. 13, 1867	N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ S. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	20	14	24	100.00	425 00
30	Che-la-ne, or Hiram Fox.....	James G. Blunt...	Jan. 3, 1868	E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ S. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	21	14	24	100.00	450 00
31	Joseph and Samuel Wheeler, heirs of Che-la-qua, by guardian.....	J. C. Irwin.....	Oct. 28, 1868	S. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$	28	14	24	100.00	500 00
32	Tim-yah and Polly Carter, heirs of Ne-zah-nan-ska-ka (dec'd).....	do	Jan. 10, 1868	S. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ N. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	19	14	24	100.00	500 00
				N. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$	20	14	25	100.00	500 00

ENOCH HOAG,
Superintendent Indian Affairs.

STATE OF KANSAS, *County of Johnson, ss :*

John O. Buchanan, of lawful age, being duly sworn according to law, deposes and says :

I am a resident of Johnson County, Kansas, and am a farmer by occupation. My farm lies adjoining the north boundary line of the lands held in common by the Black Bob band of Shawnee Indians. I am well acquainted with the quality, value, and location of the lands of said reservation. My knowledge of the same has been obtained in part by personal examination as assessor of Oxford Township, Johnson County, which township includes about one-third of said reservation. This portion of the reservation is the most thickly settled portion of said Oxford Township, and the character and quantity of improvements on the same will compare favorably with any part of the county. There is not a single quarter section of the said Indian lands lying in Oxford Township that is not settled upon and improved, and in many instances two settlers are to be found on one quarter section. The said reservation comprises a portion of three townships, namely: Oxford, Aubrey, and Olathe. William Brady is the assessor for Aubrey Township, William Williams is the assessor for Olathe Township, and I am the assessor for Oxford Township.

JOHN O. BUCHANAN.

Sworn to and subscribed before me this 28th July, A. D. 1869.

SHERMAN KELLOGG,
Justice of the Peace.

STATE OF KANSAS, *Johnson County, ss :*

I, F. E. Henderson, clerk of said county and State, do hereby certify that Sherman Kellogg, before whom the within affidavit was acknowledged, was, at the time of taking said acknowledgment, and is now, an acting justice of the peace, duly elected and qualified in and for said county and State; and that due faith and credit should be given to his acts as such justice of the peace; and that his signature to the within certificate is genuine.

In testimony whereof, I have hereunto set my hand and affixed the seal of said county this 3d day of August, A. D. 1869.

[SEAL.]

F. E. HENDERSON,
Clerk District Court.

STATE OF KANSAS, *County of Johnson, ss :*

O. H. Eglar, of lawful age, being duly sworn according to law, deposes and says :

I am a resident of Johnson County, Kansas, and am a farmer by occupation. My farm is situated immediately adjoining the north boundary line of the Shawnee Indian lands, held in common by Black Bob's band. I have lived on the aforesaid farm about eighteen months. I am well acquainted with the location, quality, and value of the said land held in common by the Black Bob Indians. There is a good deal of broken and very stony land on said reservation. The broken and stony land is principally located on the east half of the reservation. The west half of the reservation is comparatively free from stone or worth-

less land; it is of better quality, better located, and worth in value, as a body, three-fourths more than the east half.

O. H. EGLAR.

Sworn to and subscribed before me this 31st day of July, A. D. 1869.

SHERMAN KELLOGG,

Justice of the Peace.

STATE OF KANSAS, *Johnson County, ss:*

I, F. E. Henderson, clerk of said county and State, do hereby certify that Sherman Kellogg, before whom the within affidavit was acknowledged, was, at the time of taking such acknowledgment, and is now, an acting justice of the peace, duly elected and qualified in and for said county and State; and that due faith and credit should be given to his acts as such justice of the peace; and that his signature to the within certificate is genuine.

In testimony whereof, I have hereunto set my hand and affixed the seal of said county this 3d day of August, A. D. 1869.

[SEAL.]

F. E. HENDERSON,

Clerk District Court.

STATE OF KANSAS, *County of Johnson, ss:*

George W. King, of lawful age, being duly sworn according to law, deposes and says:

I am a resident of Johnson County, Kansas, and am a farmer by occupation. My farm is situated one mile from the north boundary line of the Shawnee Indian lands, held in common by Black Bob's band. I have lived on the aforesaid farm five years, and in the neighborhood about fifteen years. I am well acquainted with the location, quality, and value of the said lands held in common by the Black Bob Indians. There is a great deal of broken and very stony land on said reservation. This broken and stony land is principally located on the east half of the reservation. The west half of the reservation is comparatively free from stone or worthless land; it is of better quality, better located, and worth in value, as a body, three-fourths more than the east half.

[SEAL.]

GEORGE W. KING.

Sworn to and subscribed before me this 28th day of July, A. D. 1869.

SHERMAN KELLOGG,

Justice of the Peace.

STATE OF KANSAS, *Johnson County, ss:*

I, F. E. Henderson, clerk of said county and State, do hereby certify that Sherman Kellogg, before whom the within affidavit was acknowledged, was, at the time of taking said acknowledgment, and is now, an acting justice of the peace, duly elected and qualified in and for said county and State; and that due faith and credit should be given to his acts as such justice of the peace; and that his signature to the within certificate is genuine.

In testimony whereof, I have hereunto set my hand and affixed the seal of said county this 3d day of August, A. D. 1869.

[SEAL.]

F. E. HENDERSON,

Clerk District Court.

STATE OF KANSAS, *County of Johnson, ss:*

Josiah Watts, of lawful age, being duly sworn according to law, deposes and says:

I am a resident of Johnson County, Kansas, and am a farmer by occupation. My farm is situated one mile south of the southern boundary of the Shawnee Indian lands, held in common by Black Bob's band. I have lived here for ten years, and am well acquainted with the location, quality, and value of the said Black Bob lands. There is a great deal of broken and very stony land on said reservation, particularly on the east half. The west half is comparatively free from stony lands, is of a better quality and better located, and worth in value, as a body, twice as much, at least, as the lands of the east half. By the west half, I mean that portion of the said lands situated in township 14, range 24; and the east half, that portion situated in township 14, range 25. The lands in sections 7, 8, 9, 16, 17, and 20 are the most valuable lands in township 14, range 25. And further deponent saith not.

JOSIAH WATTS.

Signed in my presence and sworn to before me this June the 16th, 1869.

C. G. CASE,
Justice of the Peace.

STATE OF KANSAS, *Johnson County, ss:*

I, F. E. Henderson, clerk of said county and State, do hereby certify that C. G. Case, before whom the within affidavit was acknowledged, was, at the time of taking said acknowledgment, and is now, an acting justice of the peace, duly elected and qualified in and for said county and State; and that due faith and credit should be given to his acts as such justice of the peace; and that his signature to the within certificate is genuine.

In testimony whereof, I have hereunto set my hand and affixed the seal of said county this 3d day of August, A. D. 1869.

[SEAL.]

F. E. HENDERSON,
Clerk District Court.

STATE OF KANSAS, *County of Johnson, ss:*

John H. Jameson, of lawful age, being duly sworn according to law, deposes and says:

I am a resident of Johnson County, Kansas, and am a farmer by occupation. My farm is adjoining to the south boundary line of the Shawnee Indian lands, held in common by Black Bob's band. I am well acquainted with the location, quality, and value of said lands, having been over them frequently during the past eleven years. There is a great difference in the value, location, and quality of said lands. The lands of said reservation situated in township 14, range 24, as a body, are worth in value more than double, per acre, the lands of the said reservation situated in township 14, range 25. The lands in sections 15, 22, 27, 21, 28, 29, and 31, in township 14, range 25, and sections 25 and 26, and the north half of sections 35 and 36, in township 14, range, 24, are very stony and broken, embracing but little land fit for cultivation, and not worth in value over one-fourth as much as the

lands embraced in sections 8, 9, 10, 14, 15, 16, 17, 19, 20, 21, 22, 23, 27, 28, 29, 30, 31, 32, 33, and 34, of township 14, range 24. The lands in sections 7, 8, 9, 16, 17, and 20 are the most valuable in township 14, range 25. And further deponent saith not.

JOHN H. JAMESON.

Signed in my presence, and sworn to before me this the 16th day of June, A. D. 1869.

C. G. CASE,
Justice of the Peace.

STATE OF KANSAS, *Johnson County, ss:*

I, F. E. Henderson, clerk of said county and State, do hereby certify that C. G. Case, before whom the within affidavit was acknowledged, was, at the time of taking such acknowledgment, and is now, an acting justice of the peace, duly elected and qualified in and for said county and State, and that due faith and credit should be given to his acts as such justice of the peace, and that his signature to the within certificate is genuine.

In testimony whereof, I have hereunto set my hand and affixed the seal of said county this 3d day of August, A. D. 1869.

[SEAL.]

F. E. HENDERSON,
Clerk District Court.

STATE OF KANSAS, *County of Johnson, ss:*

William H. Bradey, of lawful age, being duly sworn according to law, deposes and says:

I am a resident of Johnson County, Kansas, and am a farmer by occupation. My farm lies adjoining the south boundary of the Shawnee Indian lands held in common by Black Bob's band. I am well acquainted with the location, quality, and value of said lands, having been over them frequently during the past ten years, and the last two years visiting each quarter-section of a large portion as assessor of the personal property of the settlers. There is a great difference in the value, location, and quality of said Indian lands. The lands situated in township 14, range 24, of said reservation, as a body, are worth in value more than double per acre the lands of the said reservation situated in township 14, range 25. The lands in sections 15, 27, 22, 21, 28, 29, and 31, in township 14, range 25, and sections 25 and 26, and the north half of sections 35 and 36, in township 14, range 24, are very broken and stony, and contain very little land fit for cultivation, and not worth in value over one-fourth as much as the lands contained in sections 8, 9, 10, 14, 15, 16, 17, 19, 20, 21, 22, 23, 27, 28, 29, 30, 31, 32, 33, and 34, of township 14, range 24. The land in sections 7, 8, 9, 16, 17, and 20 are the most valuable lands in township 14, range 25, and are the choice lands of that township. The west half of the reservation is a fine body of land, and lies nearest the county seat and the railroad. The land is rich and but little broken, with scarcely any stony land.

WM. H. BRADY.

Signed in my presence, and sworn to before me this June 16, 1869.

C. G. CASE,
Justice of the Peace.

STATE OF KANSAS, *Johnson County*, ss:

I, F. E. Henderson, clerk of said county and State, do hereby certify that C. G. Case, before whom the within affidavit was acknowledged, was, at the time of taking said acknowledgment, and is now, an acting justice of the peace, duly elected and qualified in and for said county and State, and that due faith and credit should be given to his acts as such justice of the peace, and that his signature to the within certificate is genuine.

In testimony whereof, I have hereunto set my hand and affixed the seal of said county this 3d day of August, A. D. 1869.

[SEAL.]

F. E. HENDERSON,
Clerk District Court.

STATE OF KANSAS, *County of Johnson*, ss:

John Beeson, of lawful age, being duly sworn according to law, deposes and says:

I am a resident of Johnson County, Kansas, and am a merchant by occupation. My place of business is in the town of Aubrey, in said county, and one mile south of the boundary line of the lands held in common by Black Bob's band of Shawnee Indians. I am well acquainted with the general character and location of said lands; they are of very unequal value, the west half of the same being vastly superior in quality and value to the east half. The said lands are thickly settled upon, and the character of the improvements on the same, and the enterprise, intelligence, and character of the people will compare favorably with any portion of the county.

JOHN BEESON.

Sworn to and subscribed before me, a justice of the peace in and for the county of Johnson, State of Kansas, this 2d day of August, 1869.

C. G. CASE,
Justice of the Peace.

STATE OF KANSAS, *Johnson County*, ss:

I, F. E. Henderson, clerk of said county and State, do hereby certify that C. G. Case, before whom the within affidavit was acknowledged, was, at the time of taking such acknowledgment, and is now, an acting justice of the peace, duly elected and qualified in and for said county and State, and that due faith and credit should be given to his acts as such justice of the peace, and that his signature to the within certificate is genuine.

In testimony whereof, I have hereunto set my hand and affixed the seal of said county this 3d day of August, A. D. 1869.

[SEAL.]

E. F. HENDERSON,
Clerk District Court.

STATE OF KANSAS, *County of Johnson*, ss:

W. H. Dorsett, of lawful age, being duly sworn according to law, deposes and says:

I am a resident of Johnson County, Kansas, and a practicing physician in said county. My office is in the town of Aubrey. I am well

acquainted with the location, quality, and value of the lands held in common by Black Bob's band of Shawnee Indians. The said lands are of vastly unequal value, and the east half of the said reservation is not worth, in value, over one-half as much as the west half of said lands. The said lands are more thickly settled than most any other portion of the county; the improvements on the same are of a permanent character, and will compare favorably with the improvements of other portions of the county.

WILLIAM H. DORSETT.

Sworn and subscribed to before me, a justice of the peace in and for the county of Johnson, State of Kansas, this 2d day of August, 1869.

C. G. CASE, *J. P.*

STATE OF KANSAS, *Johnson County, ss:*

I, F. E. Henderson, clerk of said county and State, do hereby certify that C. G. Case, before whom the within affidavit was acknowledged, was, at the time of taking such acknowledgment, and is now, an acting justice of the peace, duly elected and qualified in and for said county and State, and that due faith and credit should be given to his acts as such justice of the peace, and that his signature to the within certificate is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of said county, this 3d day of August, A. D. 1869.

[SEAL.]

F. E. HENDERSON,
Clerk District Court.

STATE OF KANSAS, *Johnson County, ss:*

Jacob Best, of lawful age, being duly sworn according to law, deposes and says:

I am a resident of Johnson County, Kansas; I live in the town of Aubrey, in said county, where I have resided since the spring of 1860. My residence is something like a mile from the lands held in common by the Black Bob band of the Shawnee Indians; I am well acquainted with said lands; a large portion of the said lands is very stony and poor, and almost worthless. These poor lands are principally situated in the east half of the reservation, which, as a body, is not worth over one-fifth, in value, the west half, as a body. Sections 6, 16, and 17 comprise the best lands in the east township of the said reservation. The entire reservation is thickly settled and well improved; I consider it more thickly settled than any other portion of the county.

JACOB BEST.

Sworn and subscribed to before me, a justice of the peace in and for the county of Johnson, State of Kansas, this 2d day of August, 1869.

C. G. CASE, *J. P.*

STATE OF KANSAS, *Johnson County, ss:*

I, F. E. Henderson, clerk of said county and State, do hereby certify that C. G. Case, before whom the within affidavit was acknowledged, was, at the time of taking said acknowledgment, and is now, an acting justice of the peace, duly elected and qualified in and for said county

and State, and that due faith and credit should be given to his acts as such justice of the peace, and that his signature to the within certificate is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of said county, this 3d day of August, A. D. 1869.

F. E. HENDERSON,
Clerk District Court.

STATE OF KANSAS, *County of Johnson, ss:*

Jim Jacob and John Perry, being sworn, depose and say:

We are members of Black Bob's band of Shawnee Indians. We were acquainted with Mich-is-qua-thole, who belonged to our band, and who is reported as having applied for a patent for lands in the Black Bob reserve. He died about nine years ago. Nah-swe-seno, reported as having applied for a patent, was a member of our band, and died about fourteen years ago; and Oc-wa-se-no, of the same band, and reported as having applied for a patent, died about eight years ago.

JIM JACOB, his + mark.

JOHN PERRY, his + mark.

Sworn to and subscribed before me this 28th day of July, A. D. 1869.

SHERMAN KELLOGG,
Justice of the Peace.

STATE OF KANSAS, *Johnson County, ss:*

I, F. E. Henderson, clerk of said county and State, do hereby certify that Sherman Kellogg, before whom the within affidavit was acknowledged, was, at the time of taking said acknowledgment, and is now, an acting justice of the peace, duly elected and qualified in and for said county and State, and that due faith and credit should be given to his acts as such justice of the peace, and that his signature to the within certificate is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of said county, this 3d day of August, A. D. 1869.

F. E. HENDERSON,
Clerk District Court.

STATE OF KANSAS, *County of Johnson, ss:*

Personally appeared before me, Sherman Kellogg, a justice of the peace in and for the county and State aforesaid, Wah-ka-cha, who, being duly sworn according to law, deposes and says:

I am a member of the Black Bob band of Shawnee Indians. I never applied for a patent to my land, nor never authorized any one to do so for me; I am opposed to the issuance of patents. I happened to be at De Soto in the fall of 1867, and while there James B. Abbott asked me if I would sell my land; I told him if I could get four dollars an acre perhaps I would. Agent Taylor was present and asked me to touch a pen, which I did, and then the United States interpreter told me I had sold my land. Agent Taylor then handed me three hundred and thirty dollars, which was all I ever received. I do not know where my land lies, having never made any selection. After I touched the pen, Agent

Taylor gave me a patent, with the information that it was for my share of the Black Bob reserve, but I do not want it.

WAH-KA-CHA-WA, his + mark.

Sworn to and subscribed before me this the 28th day of July, A. D. 1869.

SHERMAN KELLOGG,
Justice of the Peace.

STATE OF KANSAS, *Johnson County, ss:*

I, F. E. Henderson, clerk of said county and State, do hereby certify that Sherman Kellogg, before whom the within affidavit was acknowledged, was, at the time of taking said acknowledgment, and is now, an acting justice of the peace, duly elected and qualified in and for said county and State, and that due faith and credit should be given to his acts as such justice of the peace, and that his signature to the within certificate is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of said county, this 3d day of August, A. D. 1869.

F. E. HENDERSON,
Clerk District Court.

STATE OF KANSAS, *County of Johnson, ss:*

Hos-a-ta-cum-see, Hos-a-ta-cum-see, mother and sole heir of Kin-wa-ka-see, and Cho-a-quā, heir of Nah-kak-twah-pe-a-see, and John Blackhoof, heir of William Littletail, and Ole-tha-wa-the, and Wah-thub-see, being duly sworn according to law, depose and say:

We are members of Black Bob's band of Shawnee Indians; we never applied to have patents for our share of the Black Bob land, and we are not willing to receive patents nor have our land divided.

(No. 18) HOS-A-TA-CUM-SEE, his + mark.
(No. 19) HOS-A-TA-CUM-SEE, her + mark.
(No. 20) CHO-A-QUA, her + mark.
(No. 22) JOHN BLACKHOOF, his + mark.
(No. 25) OLE-THA-WA-THE, her + mark.
(No. 31) WAH-THUB-SEE, her + mark.

Sworn to and subscribed before me this the 28th day of July, A. D. 1869.

SHERMAN KELLOGG,
Justice of the Peace.

STATE OF KANSAS, *Johnson County, ss:*

I, F. E. Henderson, clerk of said county and State, do hereby certify that Sherman Kellogg, before whom the within affidavit was acknowledged, was, at the time of taking said acknowledgment, and is now, an acting justice of the peace, duly elected and qualified in and for said county and State, and that due faith and credit should be given to his acts as such justice of the peace, and that his signature to the within certificate is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of said county this 3d day of August, A. D. 1869.

F. E. HENDERSON,
Clerk District Court.

STATE OF KANSAS, *County of Johnson, ss:*

Jim Bob and John Perry and Jim Jacob, being duly sworn according to law, depose and say:

We are members of Black Bob's band of Shawnee Indians. We know Martha McLane, who is reported to be sole heir to Kish-a-wah-cum-see. We know Sam Wheeler and Jo Wheeler, who are reported as heirs of Che-to-quah, of the Black Bob Shawnees. We know Polly Carter and Tine-yah, who claim to be heirs of Ne-yah-nom-ska-ka, of Black Bob Shawnees. These parties claiming to be such heirs are all of them severalty Shawnees, and never belonged to Black Bob band. Tha-the-qua-ke-qua-ke-see and Blackfish, reported as heirs of Thomas Dougherty, of the Black Bob band, are also severalty Shawnees; and Allen McDougal, reported sole heir of Ma-thole-we-ke-see, of the Black Bob, is also a severalty Shawnee Indian.

JIM BOB, his + mark.

JOHN PERRY, his + mark.

JIM JACOB, his + mark.

Sworn to and subscribed before me, this the 28th day of July, A. D. 1869.

SHERMAN KELLOGG,
Justice of the Peace.

STATE OF KANSAS, *Johnson County, ss:*

I, F. E. Henderson, clerk of said county and State, do hereby certify that Sherman Kellogg, before whom the within affidavit was acknowledged, was, at the time of taking such acknowledgment, and is now, an acting justice of the peace, duly elected and qualified, in and for said county and State, and that due faith and credit should be given to his acts as such justice of the peace, and that his signature to the within certificate is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of said county, this 3d day of August, A. D. 1869.

F. E. HENDERSON,
Clerk District Court.

The parties in this case are Shawnee Indians, and are members of what is known as Black Bob's band. The land in question comprises 33,400 acres, and is that portion of the Shawnee reservation in Kansas set apart in common, in a compact body, under the treaty of 1854. The question of issue is the validity of sixty-nine patents issued to certain Indians for 13,800 acres of this common land, dated the 10th day of June, 1867. These patents were issued, as is claimed, under and by virtue of the powers given in the 4th article of said treaty of 1854.

This treaty was peculiar in some of its provisions. It did not contemplate that the Indians should hold the entire tract, as the quantity for each individual was limited to 200 acres. It recognized that part of the land could be held in common and part in severalty. If held in common, they were to be assigned in a compact body; if in severalty, the privilege was conceded of selecting anywhere in the tract outside of the common lands. The Indians who held separate lands were to have patents issued to them, with such guards and restrictions as Congress might deem advisable for their protection. Congress afterwards (11th

Statutes at Large, p. 430-31) directed the lands to be patented, subject to such restrictions as the Secretary of the Interior might interpose. The Indians who did not choose to hold separate lands were to signify to the United States agent their election to join either Black Bob's or Long-tail's settlements, and to live with either of those settlements in common. The treaty required the United States agent to take a census of all those electing to hold their land in common, and of the minor orphan children of their kindred, in order that a quantity of land equal to 200 acres for each individual might be set off to them, in a compact body, to hold in common. Under this provision of the treaty, 33,400 acres of land were set off to the Indians electing to live in Black Bob's settlement. A census of all the parties electing to join Black Bob's settlement, with a census of the minor orphan children of their kindred, and a survey of the land, were conditions precedent to an assignment of this land in common. After having prescribed with particularity of detail the rules that should be observed in the organization of this community, and the interest of each member, the treaty then gives these Indians permission to divide the lands so held in common in severalty. The language of the treaty is, that "they shall be permitted, if they so desire, to make separate selections." This provision simply gave the band permission to divide the common property if the band found it desirable to do so. In issuing the sixty-nine patents, the department construes this provision of the treaty to invest any one Indian or his or her heirs, or any number of such Indians, or their heirs, with the right to withdraw from the band and to take his or their original proportions of the common lands anywhere in the tract he or they may choose to select it, regardless of the rights, interests or wishes of the other members of the band, whether subsequently born into the community, or of original members opposed to it.

On the contrary, we claim that after these Indians elected to hold their lands in common, and united their interests with the interests of Black Bob's settlement, all individual ownership or heirship to original members ceased; that they all became equally interested in the common property, and that the children subsequently born acquired equal rights and interests with the original members of the band. The 4th article of the treaty gave them permission to dissolve this community of property; but the consent of the band would be a necessary condition precedent to any division of the property; and when made, it must be made on the basis of the number of members in the band at the time of the division.

In support of these positions, we submit:

1. That all the members of the band, men, women, and children, are interested in this land, and are *equal owners*, and that no division can be made of it that does not give to each individual an equal interest at the time of the division, and that before any division can be made *a new census must be taken*, and the consent of the band obtained to such division. This consent has never been obtained, and the department has no accurate knowledge, at this time, of the number of Indians now belonging to said band.

2. The land is of such *vastly unequal quality and value* that an equitable division in severalty, allowing an equal number of acres to each individual, is utterly impossible. This fact we fully establish by the affidavits marked D, E, F, G, H, I, J, K, and L. These affidavits prove that there are a great many thousand acres of this land very stony and very broken, and of little value for agricultural purposes; that this stony and broken land, which is of little value, principally lies in one body; that it is not worth in value one-fourth as much per acre as thousands

of acres in other portions of the reservation. In view of this fact the Secretary of the Interior, whose right it is to give or refuse *permission to the partition*, and as the faithful, conscientious, and sworn guardian of these Indians, should not consent to the division of this land in severalty now attempted.

3. The sixty-nine patents *were designed* to cover, and *do cover the best located, the richest, and the most valuable lands of the reservation*. That this is a fact, and that the very stony and worthless lands were *carefully avoided* by the parties who selected for the sixty-nine patentees, we fully establish by the map A, the official abstract M, and the affidavits of William H. Bradey, the township assessor, and Mr. Jamison, marked D and E; and also by the affidavits marked F, G, H, I, J, K, and L. By this evidence we clearly prove that certain lands of said reservation, specifically mentioned by sections and townships in these affidavits, and shown to be patented by abstract M, are worth, in parts, *double*, and in others *five times* as much, per acre, as the great body of the lands of said reservation left unpatented. These affiants also make oath, from personal knowledge, that the sections of land embraced in the sixty-nine patents, as shown by abstract M, are *all first-class lands*, far better in quality and location, and worth double in value the sections of the said reservation left unpatented; that the said sixty-nine patents cover nearly the entire body of good land in township 14, range 24, and that this township, owing to its superior lands and location, is worth, as a body, *as much again* as township 14, range 25. These affiants also make oath, from personal knowledge, that the lands embraced in sections 7, 8, 9, 16, 17, and 20, are the most valuable lands in township 14, range 25, while reference to abstract M and the map A show these choice sections in the inferior township to have been carefully selected and patented.

These affidavits also establish the further fact that the west half of said reservation, as a body, is worth in value as much again as the east half of said reservation; that while the east half is very stony and broken, the west half is comparatively free from these objections. The abstract M, and the map A, prove the sixty-nine patents to have been located, with but few exceptions, on the west half, and these few exceptions are proven, by the same affidavits, to cover the choice lands of the east half.

Thus it is clearly proven that the sixty-nine patents were intended by the parties making the selections to defraud the remaining portion of the band out of the most valuable lands. When it was first made public that patents to this land had been issued, the leading members of Black Bob's band protested against their issue on the ground of fraud in the selections, as we are informed by the Commissioner in his letter marked B. The evidence we have submitted fully establishes this grave charge to be strictly true. A more flagrant wrong could not be perpetrated, and its character is such as to plainly point to other parties than these poor Indians as the authors of the fraud.

4. There was a fraud in the presentation of the sixty-nine applications for patents to the Indian Department. Commissioner Taylor informs us, in his letter of April 7, 1869, (marked C,) that the list of selections, with the request that the patents be issued, was received at the Indian Office April 19, 1867, accompanied by a letter from late Agent Abbott, dated September 30, 1866. It also appears by the affidavit of Mr. Alvord, (marked No. 6,) ex-clerk of the Indian Bureau, that this list of selections was brought to the Indian Office by Abbott himself, in person, about six months after he ceased to be agent. This list of selections, therefore,

with the recommendation from Mr. Abbott, was not received at the department until months after the said Abbott ceased to be agent; and that he had possession of said list, and filed it in the office in person months after he ceased to be agent. It is clearly proven, therefore, by the records of the Indian Office, and by the affidavit of Mr. Alvord, that these patents were obtained by the fraudulent representations of this man Abbott, and thus the whole foundation on which they rest is completely overthrown.

5. These sixty-nine patents, after they were issued, were fraudulently delivered to the Indians, in violation of the positive and repeated orders of the Commissioner. (See orders of the Commissioner of Indian Affairs, dated December 13, 1867, and Agent Taylor's letters of December 28, 1867, and November 18, 1868, in correspondence marked S.) It is proven by this correspondence: 1. That the patents were delivered to the Indians in violation of the orders of the department; 2. That they were delivered to the Indians by the hands of the same James B. Abbott, who had originally secured their issue by false representations to the department, and whose connection with this affair proves a studied, determined, unscrupulous purpose of forcing this thing on the department. The delivery of these patents to the Indians was as much a fraud as if they had been stolen from the agent's office. The disgraceful manner in which they were retained by the agent for eight months after he had received positive orders to return them, connected with the fraudulent manner of their delivery, should satisfy the department of the existence of a conspiracy between Abbott and Taylor to defraud the Indians.

6. The correspondence on file in the Indian Office, between the Commissioner and the Shawnee agent, proves the fact that the list of Indians to whom patents were issued was not the same list approved by the Secretary of the Interior—some of the names having been changed by the Indian Office after the list had been approved.

7. The names of some of the Indians to whom patents are issued do not appear on the roll of Black Bob's band.

8. Three of the patentees are proven (by affidavits marked No. 1) to have been dead eight, nine, and fourteen years, respectively, and could not have made application for patents.

9. Seven of the patentees make oath (in affidavits Nos. 2 and 4) that they never did apply for patents or authorize any one to do so for them.

10. Eight of the parties receiving shares in the division of this land, and who are said to have applied for patents, are proven by affidavit No. 3 to be severalty Indians, and never belonged to Black Bob's band.

The fourth article of the treaty under which these patents are claimed to be issued only permits "those Shawnees who elected to live in common" to make selections within the bounds of the common lands. Having never elected to live in common, these parties could have no shadow of right to a voice in the division of this land.

11. Some patents were issued in the interest and on the application of certain parties claiming to be sole heirs of certain original members of Black Bob's band. Yet there is no accurate information in the possession of the department that these parties are sole heirs, as represented. No census has been taken of this band since 1856-'57, and the actual number belonging to this band is not known by the department or any one. (See Commissioner's letter October 17, 1869.)

12. Wah-ka-cha-wah makes oath (in affidavit No. 4) that he sold his land to Abbott, and represents the fraudulent manner by which he affected the purchase. The deed of this affiant, now before the Sec-

retary for approval, however, is made to J. C. Irwin. The consideration mentioned in the deed is false. Abbott and Taylor and the United States interpreter, at that time, are mentioned as parties to this fraud. While these parties are proven by this affidavit to have an interest in this purchase, the deed now before the Secretary would lead the Secretary to believe that J. C. Irwin was the only party interested in the land conveyed. Thus is this man Abbott, who first conceived the fraud, traced in his connection with it to the very act of receiving the profits arising out of it in the sale and control of these lands. It is in the sale of these lands that we must look for the motive that prompted the commission of the innumerable crimes connected with the issuance of the patents; and for this purpose we direct special attention to Superintendent Hoag's late report of his partial investigation of these sales. The superintendent finds, in what he admits to be but a partial and very imperfect investigation into the sale of this land to J. C. Irwin, that the amounts of money actually paid the Indians fall far below the amounts mentioned as the considerations paid in the deeds, and certified to have been paid by the agent. In sixteen cases examined the superintendent informs us that he discovered an aggregate deficiency between the amounts certified to have been paid and the amounts actually paid of \$1,720. He also informs us that the parties purchasing these lands do not deny the fraud, but attempt to excuse it on the ground that they had been put to trouble and expense in the investigation of this matter. These parties are no doubt in the habit of keeping a reserved fund in anticipation of the expenses contingent upon "putting through" frauds of this character. It might be well for the department to inquire of the superintendent who these parties are that make these virtuous excuses. The agent certified that the considerations mentioned in the deeds had been paid in his presence, and that the conveyances were in every respect free from fraud or deception. To fully realize the enormity of this fraud, as developed by the superintendent's report, we must take into consideration the fact that the agent, in its consummation, had to make and did make sixteen false certificates under his oath of office. This wholesale perjury was committed for the purpose of defrauding the Indians and misleading the Secretary of the Interior as to the real amounts of consideration paid to the Indians. The superintendent's recommendations are not justified by the facts of his own report. To permit these parties to secure the profit of these villainous frauds, in consideration of an additional amount of money, would be a mockery to justice and offer a premium to rascality.

13. The deeds now before the Secretary for confirmation should be rejected, because the rules of the Indian Bureau requiring two chiefs of the tribe to which the reserve belongs to make a certificate that the grantor is the identical individual to whom the land was granted, and is competent to manage his, her, or their affairs, has been shamefully violated in this—that the said certificates were signed by Graham Rogers in blank and in bulk, and without any knowledge of the facts connected with the sale, or the parties to the sales. (See affidavit marked No. 5, and rules attached.)

Thus we have proven: 1st. That there was a fraud perpetrated in making the selection of the lands patented. 2d. That Abbott was not an agent at the time he filed the list of applications, and recommended that the patents be issued. 3d. That he followed up the first fraud by committing an additional fraud in the delivery of the patents to the Indians. 4th. That the list of applicants for patents was changed after its approval by the Secretary. 5th. That patents are issued to Indians

whose names cannot be found on the census-rolls. 6th. That three of the patentees were dead several years before they are reported as having applied for patents. 7th. That seven of the patentees never applied for patents. 8th. That eight of the parties to this division are severalty Indians. 9th. That the Indians were defrauded in the sales of their lands. 10th. That the agent made false certificates. 11th. That the first chief, Graham Rogers, signed the certificate of competency, required to be attached to each deed in blank, and without any knowledge of the facts in the case. 12th. That the department has no knowledge of the number of Indians belonging to Black Bob's band.

Thus it is shown by the record, the evidence of reliable men, the facts and all the circumstances, that this entire transaction, in every stage and degree of its growth, is a fraud. Its enormity, however, does not stop with the ruin of the Indians; but the parties to it seek to secure, under and by virtue of these fraudulent purchases, the homes and property of twelve hundred white citizens of Kansas, who have been encouraged to settle upon and improve these lands, by the Indian Department and the representations of the senators and representatives in Congress. (See letter of Commissioner Cooley, marked N.) The settlers upon these lands, looked upon this letter of Commissioner Cooley as an official pledge, that they would be protected in the right to acquire title to the lands they had improved. Under this assurance of protection, every quarter-section of this land has been settled upon and improved. Schools have been organized, costly dwellings erected, orchards planted, and thousands of acres have been fenced and put under fine cultivation; and that this community compares favorably with any portion of the State, in point of improvement, the statements of county and State officials, and affidavits of county assessor, Williams, and Dr. Lafeyth, fully establish. (See evidence marked O, P, Q, and R.)

The settlers on these lands simply ask the privilege of buying their lands at a fair price. They seek to do no injustice to the Indians; but, on the contrary, they enter their solemn protest against this fraud upon the Indians. They ask the Secretary to disapprove the sale of these lands to speculators, and in the event that the patents are finally held to be legally binding, to secure to them the right to acquire title by purchase from the patentees.

All of which is respectfully submitted.

J. S. SLAUGHTER,
Attorney for settlers and Indians,
93 Defrees street, Washington, D.C.

WASHINGTON CITY, *October 20, 1869.*

SIR: As the Secretary of the Interior has referred to you for examination and report the question arising out of the attempted partition of the common lands of the Black Bob band of Shawnee Indians, there are a few fundamental objections against the whole proceeding, which I desire briefly to present for your consideration.

It will be remembered that under the treaty of May 10, 1854, the majority of the Shawnees elected to hold their lands in severalty, and that promise was made, both by the treaty and by the act of Congress of March 3, 1859, for issuing patents for such lands to the original owners in severalty, or to their heirs; but that the Black Bob band of Indians elected to live in common, and to hold their lands in common, according to the original usages and customs of the Indian tribes.

In the division of the common territory of the Shawnee tribe, two hundred acres were allotted to each Indian who desired to live in severalty, and in order to extend to those desiring to live in common an equal measure of justice, an equal number of acres for each member of Black Bob's band, according to the census taken, was set apart the common property of the band. Although the number of the band, and the quantity of two hundred acres for each member were used in ascertaining the quantity to be allotted to the band, the quantity allotted belonged to the band as a whole.

By the very idea and nature of a community of property in the land, all individual ownerships of parts of the land, and of heirship as the representation of individual ownership in parts of the common property, was excluded. It belonged to the band as a whole, and the interest of each member of the band increased and diminished with the increase or decrease in the number of its members. If an Indian died, he left no heirs, other than the band as a whole. If an Indian child was born it took an interest in the common property, equal to any of the original or adult members of the band.

It is true that the treaty provides for a partition of the common property by converting it into ownership in severalty. But a very grave question arises, whether this right belongs to the band as a whole, or only to a majority of the band or to individual members of the band. From the very nature of a common ownership it would seem clear that could only be exercised by the band as a whole, or at least by a majority of its members. But waiving a discussion of these questions, I will submit my views in the form of a few points, which I think will dispose of the case.

POINTS.

1. That the land assigned to Black Bob's band was common property, in which, by the very idea and nature of a community of property, all individual ownership, and heirship as the substitute for individual ownership, was excluded, so long as the common ownership lasted.

If this be true, then a partition based upon the original number of the band is necessarily erroneous at the foundation. Before a valid partition can be made of the common property, either at the instance of the band, as a whole, or of individual members of that band, a new census must be taken in order to determine the aliquot part to be allotted to each man, woman, and child of the band at the time of the partition.

This census has not been made, and any partition on any other basis is therefore fundamentally wrong; as it may award to each Indian either more or less land than is the equitable right of each.

2. That the partition is not a matter of absolute right, but of grace and favor, a thing to be permitted, in the sound discretion of the authorities of the United States, on just and equitable principles.

If this be true, then, permission to make the partition should be granted only on such a basis, and on such terms and conditions as will secure a just and equitable partition.

This has not been done. The facts and circumstances attending the partition in question are fully and particularly stated by Colonel Slaughter, and his statements are supported by proofs drawn from the records of the Indian Office, and by the affidavits of credible witnesses. They are of such a character, to say the least, as to satisfy any unprejudiced mind, that what has been done ought not to be sanctioned and approved by the Secretary of the Interior, who is invested by the law with the high prerogative of doing justice, and of seeing that it is done.

3. That an approval of these proceedings in question not only robs the Indians who have sold their lands, but those who have not, by means of the unjust partition, and for the benefit of their robbers.

4. That inasmuch as the case is complicated by difficult questions of law, by unjust and illegal practices under the existing law, and by the settlement in part of the lands in question, by honest and industrious pioneers who have made large and valuable improvements on the lands, in the faith that they would be secured in a pre-emption right to their purchase, a wise and prudent exercise of the discretionary power of the Secretary would be a refusal to confirm the original petition and the sales based thereon, and a new partition, under the direction of the Secretary, upon rules and regulations to be provided by him, or under such new and additional legislation by Congress as the nature and importance of the case requires.

The 12th article of the treaty points to the necessity of additional legislation for the execution of the treaty, in case of unforeseen exigencies. We contend that such exigencies have arisen, and that the Secretary will best discharge his duty, both to the Indians and to the country, by arresting the consummation of this erroneous and fraudulent partition of the common property, and by handing over the case for solution by Congress at its coming session. The delay will not be great, and he will thereby avoid the assumption of an unnecessary responsibility, in a matter of some concern both to the Indians and to the settlers.

Respectfully submitted.

JOHN A. WILLY,
Attorney for Indians and settlers.

Hon. E. PARKER,
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 7, 1869.

SIR: I have received a letter of this date, from the Hon. E. G. Ross, requesting that you be furnished with certain information in regard to the issuance of sixty-nine patents to members of Black Bob's band of Shawnee Indians.

The list of selections, with the request that the patents be issued to the parties referred to, was received at this office April 19, 1867, with a letter from late agent J. B. Abbott, dated September 30, 1866. The patents were dated June 10, 1867, and transmitted to the Hon. Sidney Clarke, July 20, 1867.

I am unable to give you the date of the application of the Indians, for the reason that it was sent from this office with a report thereon to the Secretary of the Interior, May 14, 1867, and by that office it was, on the 16th of May, 1867, transmitted to the General Land Office with his order for the issuance of the patents.

Very respectfully, your obedient servant,

H. G. TAYLOR, *Commissioner.*

THOMAS S. SLAUGHTER, Esq., *Present.*

OLATHE, March 29, 1869.

We, the undersigned, citizens of Johnson County, desire very respectfully to call your attention to the condition of that portion of our fellow-citizens who reside on what is known as the Black Bob tract of land.

The settlement of that tract was commenced near three years ago, and was encouraged by our delegation in Congress, and by the Indian agent then residing here. The settlement and improvement of that region has increased, until now there are more than two hundred voters, with at least one hundred and fifty families residing there; and there is a house or cabin erected and a farm commenced on nearly every quarter-section of land.

Judging from the history of the past quarter of a century, these settlers confidently expected that such treaty would be speedily made as would enable them, if not to acquire title to their claims under the homestead or pre-emption laws, to at least purchase them at the appraised value at the dates of their respective settlements. These settlers are, as a body, honest, industrious, intelligent, patriotic men; a very large proportion of them have done noble service for the Union cause during the late great rebellion. We therefore, with them, do feel that in making them and that particular tract of Indian land an exception to the rule usually adopted, an injustice is being done, not only to them but to the whole country. In conclusion, then, we most earnestly and respectfully request that such action be taken as will secure to these men the right to acquire title to their claims on terms equally favorable with those extended to the settlers on the Shawnee absentee lands.

Very truly and sincerely your friends and fellow-citizens,

JOHN T. BURRIS,

Judge Tenth Judicial District.

B. P. NOTEMAN;

Judge of the Probate Court.

J. L. WINES,

County Attorney.

T. J. HADLEY,

Clerk District Court.

J. HUTCHISON,

Deputy Clerk District Court.

J. M. HADLEY, *Sheriff.*

J. O. PICKERING, *Sheriff.*

ISAAC S. FARRIS,

Register of Deeds.

W. J. McCARTY,

Deputy Register.

J. H. BLAKE, *Treasurer.*

F. E. HENDERSON,

County Clerk.

W. M. McGANNON,

Deputy County Clerk.

S. E. McKEE,

J. C. HAYES,

Editors Mirror.

R. E. STEVENSON,

Representative Thirty-second District.

C. E. LEWIS,

Sup't Pub. Instruction Johnson County.

W. WILLIAMS,

County Assessor.

Hon. S. C. POMEROY,

Hon. E. G. ROSS,

Hon. SIDNEY CLARKE,

Senators and Representative in Congress from the State of Kansas.

STATE OF KANSAS, *County of Johnson, ss:*

I, J. T. Hadley, clerk of the district court in and for said county, do hereby certify that I am personally acquainted with each of the persons whose names are affixed to the foregoing instrument, and that their signatures thereto are genuine.

Witness my hand and official seal this 2d day of April, A. D. 1869.

T. J. HADLEY,
Clerk District Court.

TOPEKA, KANSAS, *April 8, 1869.*

DEAR SIRs: The people of the State of Kansas are interested in the speedy and permanent settlement of all the Indian lands in this State, by energetic, patriotic citizens. The question as to the settlement and purchase of those lands known as the Black Bob lands, in Johnson County, Kansas, has engaged the attention of the best citizens in that section. We would therefore respectfully call your attention to some facts in regard to these lands, and the situation of the settlers who have gone upon them, and have made valuable improvements in good faith. The settlement of that tract of land began about three years ago, and the settlers now number about two hundred voters, and not less than one hundred and fifty families. A farm has been commenced upon almost every quarter-section of land, and many lasting improvements have been made. These lands were settled by honest, energetic, patriotic and bona fide settlers, many of them having done gallant service for the government during the late rebellion. From certain representations made to them, they fully expected that such a treaty would be made as would secure to them these lands, either under the homestead or pre-emption laws, or by purchase from the government after the Indian title had been secured by the latter. We, therefore, with them, and the citizens of Kansas generally, feel that if a provision could be inserted in the treaty now pending which would secure to these settlers their homes, from the government, at a fair price, it would be an act of justice which the government owes these men, as it does all others who are in good faith honestly endeavoring to obtain homes upon the public domain.

In conclusion, therefore, we would respectfully request that you use your influence to insure such action as will eventually secure to the settlers upon the Black Bob lands their homes, upon terms equally favorable with the terms extended to the settlers upon the Shawnee absentee lands.

Respectfully submitted.

JAMES M. HARVEY,
Governor.

THOMAS MOORAINI,
Secretary of State.

GEO. GRAHAM,
State Treasurer.

A. THOMAN,
Auditor of State.

P. McVICAR,
Superintendent Public Trusts.

The KANSAS DELEGATION IN CONGRESS,
Washington, D. C.

STATE OF KANSAS, *County of Johnson, ss:*

William Williams, of lawful age, being duly sworn according to law, deposes and says:

I am a resident of Olathe, Johnson County, Kansas. I live near to, and am well acquainted with, the lands held in common by Black Bob's band of Shawnee Indians. As county assessor for the county of Johnson, it has been my official business to become familiar with the settlement of said reservation by the whites. It is now one of the most thickly settled portions of said county, and will compare favorably, in point of improvement and enterprise, with any portion of the county. I am now assessor for the Olathe Township, in said county, in which a large portion of the said reservation is situated, but my knowledge of the entire reservation was obtained while holding the assessorship of the entire county.

WILLIAM WILLIAMS.

Sworn to before me and subscribed in my presence this 28th day of August, A. D. 1869.

JOHN T. LITTLE,
Notary Public.

STATE OF KANSAS, *County of Johnson, ss:*

John B. Lafeyth, of lawful age, being duly sworn according to law, deposes and says:

I live in Johnson County, Kansas, and am a physician and druggist by profession. I am well acquainted with the settlement on the lands held in common by the Black Bob band of the Shawnee Indians. There is no portion of Johnson County more thickly settled than that portion embraced in the Black Bob reservation. I believe every quarter-section to be settled upon and improved. I make this statement from personal observations made during frequent professional visits among the settlers on said lands. The improvements of the settlers are of a permanent character, and will compare favorably with any portion of the county.

J. B. LAFEYTH, M. D.

Signed and sworn to before me, dated this the 2d day of August, 1869.

C. G. CASE, *J. P.*

STATE OF KANSAS, *Johnson County, ss:*

I, F. E. Henderson, clerk of said county and State, do hereby certify that C. G. Case, before whom the within affidavit was acknowledged, was, at the time of taking said acknowledgment, and is now, an acting justice of the peace, duly elected and qualified in and for said county and State, and that due faith and credit should be given to his acts as such justice of the peace; and that his signature to the within certificate is genuine.

In testimony whereof, I have hereunto set my hand and affixed the seal of said county, this 3d day of August, A. D. 1869.

F. E. HENDERSON,
Clerk District Court.

WASHINGTON COUNTY, *District of Columbia, ss:*

Henry J. Alvord, being duly sworn, deposeth and saith: That in and during the year 1867, he was a clerk in the Office of Indian Affairs; that

during the month of April of that year James A. Abbott, late United States agent for the Shawnee Indians, came to deponent's desk in said office, holding in his hands certain papers, which the said Abbott told this deponent contained selections of lands for certain members of Black Bob's band of Shawnee Indians, which the said Abbott proposed to leave with deponent for official action; that this deponent told said Abbott that said papers should be filed with the chief clerk of said office. Whereupon said Abbott withdrew with said papers, but soon afterward said Abbott returned and told deponent that he had filed said papers with said chief clerk. Shortly afterward certain papers, purporting to be selections for sixty-nine members of Black Bob's band of Shawnee Indians, accompanied with a letter to the Indian Office, written by said Abbott, in due course of business came to deponent's desk for official action thereon. This deponent distinctly remembers that the letter of said Abbott above referred to bore date many months anterior to the date of filing the same, and was filed in said office many months after said Abbott had ceased to be agent for said Indians.

Deponent further states that patents were subsequently issued to the parties named in said list, filed by said Abbott, as aforesaid.

H. J. ALVORD.

Subscribed and sworn before me this 21st day of October, A. D. 1869.

EDMUND F. BROWN,
Notary Public.

In the month of June last, Graham Rogers, the chief of the Shawnee Indians, informed me that he had signed the certificates of competency (required by the rules and regulations to be observed in the execution of Indian conveyances herewith attached) which are attached to the deeds of the Black Bob Indians, in blank and in bulk, and that at the time he did so he did not know personally the names of the grantors whose names were to be inserted in the said deeds, or the truth of the other facts stated in said certificates. This confession was made at an Indian council, at which the present superintendent, Enoch Hoag, was present, and I have good reason to believe that this fact was known to him at the time he made his late report. The Shawnee agent, Mr. Roberts, after Graham Rogers had made this confession to me, informed a Mr. Dickey and myself, who were together at the time, that he (Roberts) had evidence that Graham Rogers had signed the said certificates in blank, and without any knowledge as to who would be mentioned as grantors in the deeds to which the said certificates would be attached.

T. S. SLAUGHTER.

Subscribed and sworn to before me the 29th October, 1869.

JOHN F. CALLAN,
Notary Public.

Rules and regulations to be observed in the execution of conveyances of lands which have been or shall be assigned in severalty to Indians within the Territory of Kansas, and for which patents shall be issued in conformity with the eleventh section of the act of Congress entitled "An act making appropriations for sundry civil expenses of the government for the year ending the 30th of June, 1860," approved March 3, 1859.

Individual Indian reserves are divided into two classes, those which are, and those which are not, included within the boundaries of a tribal reservation. The former are inalienable except to Indians by birth, members of the tribe to which the reserve belongs; the latter are alienable under the following conditions:

I. The deed or instrument of conveyance must be executed in the presence of two subscribing witnesses, and acknowledged before the agent, within the limits of whose agency the reservee resides, and when presented for approval, must be accompanied by the following certificates, viz:

1. A certificate signed by two of the chiefs of the tribe to which the reservee belongs, setting forth that the grantor is the identical individual to whom the land was originally granted, or, in case the original reservee be dead, that the grantor or grantors, as the case may be, are the only heirs surviving of the original reservee; that he, she, or they, as the case may be, are severally of age, and competent to manage his, her, or their affairs, and to dispose of his, her, or their property; and that they think it advisable that the land should be sold.

2. A certificate from the agent for the tribe to which the reservee belongs, that the contents, purport, and effect of the deed of conveyance were explained to, and fully understood by, the grantor or grantors; that the consideration specified therein is a fair price for the land; that the same has been paid to the grantor or grantors, in his presence, in gold or silver coin of the United States, and that the conveyance is in every respect free from fraud or deception.

3. If the original reservee be dead, and the conveyance is executed by fewer than all his or her heirs, then in addition to the certificates above required, with the necessary changes therein, the conveyance must be accompanied by a properly authenticated copy of judicial proceedings, showing that partition of the lands granted to the original reservee has been made by a court having jurisdiction thereof; and a diagram prepared by a competent surveyor, showing the lots into which the original tract has been divided, and the respective owners of the same.

II. Lands belonging to an incompetent, if an adult, may be conveyed by a curator or conservator, and if a minor, by a guardian; in which case the conveyance must be accompanied by a certificate of two chiefs of the proper tribe, as to the identity and the incompetency of the grantor, and that the sale is advisable; a certificate of the agent for the tribe to which the incompetent belongs, that the consideration specified is a fair and just price for the land, and has been paid in his presence, to the grantor, in gold or silver coin of the United States, and that the conveyance is in all respects free from fraud; a properly authenticated copy of the records of a court having jurisdiction, showing the appointment of such curator, conservator, or guardian, as the case may be; and a like authenticated copy of judicial proceedings in a court having jurisdiction, authorizing such curator, conservator, or guardian to make sale of the lands mentioned in the conveyance.

III. If the reservee (or, in case he may be dead, his heir or heirs) does

not reside within the bounds of an Indian agency, the deed of conveyance may be acknowledged before a justice of the peace, or other officer having legal jurisdiction, and, in lieu of the certificates of the chiefs and Indian agent in other cases required, must be accompanied by a certificate of the officer taking the acknowledgment of the facts required to be certified by the chiefs and agent in cases where the grantor resides within the bounds of an Indian agency; or, if such facts shall not be known to the officer, they must be verified by the affidavits of at least two credible persons who are cognizant of these facts, whose veracity must be certified by such officer, and the testimony and all papers pertaining to the conveyance must be properly authenticated under seal. In all other respects the conveyance must conform to the rules above prescribed.

IV. A diagram prepared by a competent surveyor, or an authenticated copy of the official plat of survey, indicating the land intended to be alienated, and all former sales by the original reservee, his or her heirs, must be furnished for the use of the Indian Office.

V. No reservee will be allowed to sell more than one-half of the land assigned to him (or her) under treaty stipulations except in special cases, where circumstances, to be determined by the Secretary of the Interior, may seem to require a relaxation of the rule.

VI. No sale or conveyance which does not substantially conform to the foregoing regulations will receive the approval of the department.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
May 27, 1861.

The following rules and regulations, designed for the government of the respective parties in the execution of deeds of conveyance pertaining to the alienation of lands assigned in severalty to Indians within the State of Kansas, are respectfully submitted to the Secretary of the Interior, with a recommendation that the same may be approved.

WM. P. DOLE,
Commissioner.

DEPARTMENT OF THE INTERIOR,
May 27, 1861.

The above rules and regulations are hereby approved, as recommended by the Commissioner of Indian Affairs.

CALEB B. SMITH,
Secretary.

No. 1.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
December 13, 1867.

Suspend the delivery of the sixty-nine patents for members of Black Bob's band, transmitted to you through Hon. Sidney Clarke, and if any have been delivered, recall them, and return them for further orders.

CHAS. E. MIX,
Acting Commissioner.

H. L. TAYLOR, Esq.,
U. S. Indian Agent, De Soto, Kansas.

No. 2.

DE SOTO, KANSAS, *December 28, 1867.*

SIR: Your telegram of 13th instant, in relation to the sixty-nine Black Bob patents, reached me by mail in Mattoon, Illinois, and I avail myself of the first opportunity on my return home to reply; and in answer would say that your orders respecting the same will be obeyed.

Very respectfully, &c.,

H. L. TAYLOR,
United States Agent.

Hon. CHARLES E. MIX,
Acting Commissioner Indian Affairs, Washington, D. C.

No. 3.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., August 26, 1868.

SIR: On the 13th of December last this office, by telegram, instructed Agent Taylor to suspend the delivery of the sixty-nine patents for members of Black Bob's band, transmitted to you (him) through Hon. Sidney Clarke, and if any have been delivered, recall them, and return for further orders. * * * * *

You will direct Agent Taylor to return the same through you to this office.

Very respectfully,

CHAS. E. MIX,
Acting Commissioner.

THOMAS MURPHY, Esq.,
Superintendent Indian Affairs, Atchison, Kansas.

No. 4.

OFFICE SHAWNEE AGENCY,
De Soto, Kansas, September 19, 1868.

SIR: Your letter of the 31st ultimo, with copy of letter bearing date of 26th ultimo from the honorable Acting Commissioner of Indian Affairs, recalling the sixty-nine patents lately issued to the Black Bob band of Shawnee Indians, has been received; and in reply would say that I have laid the subject before the Shawnee chiefs and council, and they communicated the facts to the patentees, and a resolution or request that said patentees should decline surrendering their patents, whereupon each and every one of them positively refused to deliver up his patent; therefore it is utterly impossible for me to execute this order. * * * * *

I herewith inclose letter from Hon. E. G. Ross, S. C. Pomeroy, and Sidney Clarke bearing on the above subject.

Very respectfully, &c.,

H. L. TAYLOR,
U. S. Indian Agent.

Hon. THOMAS MURPHY,
Superintendent Indian Affairs, Atchison, Kansas.

No. 5.

TOPEKA, KANSAS, *September 10, 1868.*

SIR: Having had our attention called to an order lately issued by you for the return of some patents issued to members of the Shawnee tribe of Indians of the Black Bob settlement, and being confident there is an existing state of facts not known at the department, which we respectfully desire to present, we ask that you will suspend all further action on this matter until we can fully represent all the facts in the case, as we are confident can be done to the satisfaction of the department.

Very respectfully, &c.,

S. C. POMEROY,
United States Senator.

SIDNEY CLARKE,
Member of Congress.

E. G. ROSS,
United States Senator.

Hon. Mr. TAYLOR, *Commissioner, &c.*

No. 6.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., October 23, 1868.

SIR: I have received your letter of the 30th ultimo, inclosing a communication to yourself from Agent Taylor, in which he states that it is impossible for him to comply with office instructions to return the patents heretofore granted to certain members of Black Bob's band of Shawnee Indians, for the reason that the holders thereof, each and all of them, refuse to surrender them; also the inclosed letter from Senators Pomeroy and Ross, and Representative Clarke, requesting a suspension of further action in the premises until they can fully represent all the facts in the case, which they state they can do to the satisfaction of the department.

On the 13th of December, 1867, this office by telegram directed Agent Taylor to suspend the delivery of the patents in question, to recall such as had been delivered, and return them.

To this telegram Agent Taylor responded under date of December 28, stating that the orders of this office would be obeyed. It now appears, from Agent Taylor's letter, that all of the patents have been delivered to the Indians, who each and all refuse to surrender the same, agreeably to the wishes of this office.

In courtesy to the honorable Senators Pomeroy and Ross and Representative Clarke, who request a suspension of further action until they present certain facts to the department in reference to this case, no further action will be taken at present, except this: You will instruct Agent Taylor to inform the recusant Indians that no sale or any of the sales so patented will be recognized or approved by this department until the matter of differences are definitely and satisfactorily adjusted. You will also direct Agent Taylor to report through you to this office the date of the delivery of the patents in question.

Very respectfully, &c.,

N. G. TAYLOR,
Commissioner.

Hon. THOMAS MURPHY,
Superintendent Indian Affairs, Atchison, Kansas.

No. 7.

OFFICE OF SHAWNEE AGENCY,
De Soto, Kansas, November 18, 1868.

SIR: Your letter of October 30, with copy of letter from the honorable Commissioner of Indian Affairs, bearing date of October 23, requiring me to inform the department of the date of delivery of the Black Bob patents, has been received, and respectfully would state that the patents were delivered by the Hon. J. B. Abbott on the 24th day of August, to Graham Rogers, Charles Tucker, and the Shawnee councilmen, who came to the office on that day for the purpose of demanding of me the delivery of the patents, and I was absent; but Major Abbott, who officed with me, was at home, and the Indians stated the object of their call to him, and he stated "he knew of no reason why the patents should be retained in the office, and supposed the delivery of the patents to the chiefs and councilmen of the tribe would be satisfactory to me as well as the department," and accordingly delivered the same.

I am, very respectfully, your obedient servant,

H. L. TAYLOR,
United States Agent.

Hon. THOMAS MURPHY,
Superintendent Indian Affairs, Atchison, Kansas.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 14, 1868.

SIR: I have the honor to acknowledge the receipt, by reference from you, of a letter to yourself from George W. Morgan, esq., dated the 26th ultimo, asking if patents have been issued to members of Black Bob's band of Shawnee Indians, for lands selected for them under the Shawnee treaty of 1854; if there were any provisions for settlers upon the Black Bob tract, and if said settlers are safe in purchasing any of the lands within said tract from Agent Taylor, upon which you direct a report from this office.

In reply you are informed that on the 14th of May last this office reported to you a list containing selections of two hundred acres for each of sixty-nine members of Black Bob's band, said list having been transmitted to this office by late Agent Abbott, bearing thereon the recommendation of the Shawnee chiefs that patents should be issued to the parties named for the selections indicated in the said list. Patents were subsequently issued and forwarded by the General Land Office to this office, and upon the verbal request of the Hon. Sidney Clarke, of the House of Representatives, the same were on the 20th of July last transmitted to him for delivery to Agent Taylor.

Subsequently, it having been represented to this office by certain members of Black Bob's band that fraud existed in regard to the selections contained in late Agent Abbott's list, Agent Taylor was, on the 13th of December last, directed by telegram to recall such patents as have been delivered, and to retain them with those undelivered until further orders, the receipt of which telegram was acknowledged by him on the 28th of December last, and on the 10th of January last the matter was referred to Superintendent Murphy for investigation and report.

The report of that officer has just been received, but I have not had time to peruse the same.

The treaty of 1854 contains no provisions under which settlers upon the lands in question can acquire rights thereon, but the Shawnee treaty now pending before the Senate contains a liberal provision for such settlers.

Agent Taylor has no authority to dispose of any of the Shawnee Indian lands, nor has this office any knoweldge of his attempting to do so.

I return Mr. Morgan's letter herewith.

Very respectfully, your obedient servant,

N. G. TAYLOR,
Commissioner.

Hon. O. H. BROWNING,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 20, 1866.

SIR: In relation to the petition of settlers upon the absentee Shawnee lands, accompanying a letter from William H. Nichols, left by you at this office on the 19th instant, you are informed that a similar petition has been received at this office, and that the petitioners by letter of this date have been informed that, by a treaty recently negotiated with Black Bob's band of the Shawnee tribe, what is deemed a just provision has been made for the protection of their rights upon payments of a fair price for the lands occupied by them respectively, and that a similar provision will be made in negotiation which may hereafter be made with the remaining portion of the tribe.

Very respectfully, your obedient servant,

D. N. COOLEY,
Commissioner.

Hon. SIDNEY CLARKE,
House of Representatives.

GENERAL LAND OFFICE, *May 18, 1869.*

I, Joseph S. Wilson, Commissioner of the General Land Office, do hereby certify that the annexed, on pages one to thirteen, is a true and literal exemplification from the records of this office of a list of selections of lands in Kansas made for "certain members of Black Bob's band of Shawnee Indians," under the Shawnee treaty of May 10, 1854, for which patents have been issued upon a return dated May 16, 1857, to this office from the Secretary of the Interior.

In testimony whereof I have hereunto subscribed my name, and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

JOS. S. WILSON,
Commissioner of the General Land Office.

The names of the members of the Black Bob settlement who have made selections of land as provided in article 4 of the treaty of 10th of May, 1854; also a description of the land selected.

Name.	Description of land selected.	Acres.
1. Big Fox.....	In township 14 S., range 24 E., in Kansas— The N. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 27..... The N. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 27..... The N. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 28.....	80.00 80.00 40.00 200.00
2. Che-lane or Hiram Fox.....	In township 14 S., range 24 E.— The S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 27..... The S. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 27..... The S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 28.....	80.00 80.00 40.00 200.00
3. Heirs of John Fox—Big Fox, sole heir.	In township 14 S., range 24 E.— The N. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 27..... The N. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 27..... The N. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 28.....	80.00 80.00 40.00 200.00
4. Heirs of Joseph Black Feather.	In township 14 S., range 24 E.— The N. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 22..... The N. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 22..... The N. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 21.....	80.00 80.00 40.00 200.00
5. Heirs of Coffee—Lewis Coffee and Pah-me-tha-keva, sole heirs.	In township 14 S., range 24 E.— The S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 22..... The S. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 22..... The S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 21.....	80.00 80.00 40.00 200.00
6. Heirs of Kish-a-wah-cum-se—Martha McLane, sole heir, severalty.	In township 14 S., range 24 E.— The N. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 22..... The N. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of section 22..... The N. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 21.....	80.00 80.00 40.00 200.00
7. Heirs of Kai-wah-cum-se—Martha McLane, severalty.	In township 14 S., range 24 E.— The S. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 22..... The S. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 22..... The S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 21.....	80.00 80.00 40.00 200.00
8. Alice Big Fox.....	In township 14 S., range 24 E.— The N. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 15..... The N. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 15..... The N. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 16.....	80.00 80.00 40.00 200.00
9. John Big Fox.....	In township 14 S., range 24 E.— The S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 15..... The S. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 15..... The S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 15.....	80.00 80.00 40.00 200.00
10. Lem-co-wase.....	In township 14 S., range 24 E.— The N. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 15..... The N. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 15..... The N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of sec. 16.....	80.00 80.00 40.00 200.00
11. Pah-me-thah-Kwa—Coffee's widow.	In township 14 S., range 24 E.— The S. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 15..... The S. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 15..... The S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 16.....	80.00 80.00 40.00 200.00

The names of the members of the Black Bob settlement, &c.—Continued.

Name.	Description of land selected.	Acres.
12. Heirs of Ke-la-kip-ta—James Johnson and David Black Feather, sole heirs.	In township 14 S., range 24 E.— The N. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 10..... The N. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 10..... The N. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 9.....	80.00 80.00 40.00 200.00
13. Harvey Big Fox.....	In township 14 S., range 24 E.— The S. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 10..... The S. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 10..... The S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 9.....	80.00 80.00 40.00 200.00
14. Johnson Black Feather.....	In township 14 S., range 24 E.— The W. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 23..... The W. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 9..... The N. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 16.....	80.00 80.00 40.00 200.00
15. Lot C. Macey.....	In township 14 S., range 24 E.— The E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 9..... The N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 16..... The W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 23.....	80.00 40.00 80.00 200.00
16. Heirs of Stephen Macey—Lot C. and Mary Macey, sole heirs.	In township 14 S., range 24 E.— The W. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 9..... The N. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 16..... The E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 23.....	80.00 40.00 80.00 200.00
17. Heirs of Hoh-ta-na-se—Lot C. and Mary Macey.*	In township 14 S., range 24 E.— The E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 8..... The N. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 17..... The N. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 23.....	80.00 40.00 80.00 200.00
18. Hos-a-ta-cum-se†.....	In township 14 S., range 24 E.— The E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 31..... The E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 31..... The S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 30.....	80.00 80.00 40.00 200.00
19. Heirs of Ken-wah-ka-se—Hos-a-ta-cum-se, mother and sole heir.‡	In township 14 S., range 24 E.— The W. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 31..... The W. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 31..... The S. W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 30.....	80.00 80.00 40.00 200.00
20. Heirs of Wah-kah-twah-pe-a-se—Cho-e-qua, mother and sole heir.§	In township 14 S., range 24 E.— The N. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 29..... The N. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 30..... The N. E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 30.....	80.00 80.00 40.00 200.00
21. Henry Ellick.....	In township 14 S., range 24 E.— The S. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 29..... The S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 30..... The S. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 30.....	80.00 80.00 40.00 200.00
22. Heirs of William Littletail—John Blackhoof, sole heir.§	In township 14 S., range 24 E.— The N. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 30..... The N. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 29..... The S. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 20..... The S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 19.....	80.00 40.00 40.00 40.00 200.00

* Three-fourths Widow Coffee, one-fourth heirs.
† No patent.

‡ Don't want patent.
§ Wants no patent.

The names of the members of the Black Bob settlement, &c.—Continued.

Name.	Description of land selected.	Acres.
23. Heirs of Che-lo-qua — John Blackhoof, one-half; Sam and Jo Wheeler one-quarter each, heirs.*	In township 14 S., range 24 E.— The S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 19..... The N. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 19..... The S. W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 19.....	80.00 80.00 40.00 200.00
24. Heirs of Tomahawk.....	In township 14 S., range 24 E.— The S. E. $\frac{1}{4}$ of sec. 14..... The N. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 23	160.00 40.00 200.00
25. Oh-tha-wa-the †.....	In township 14 S., range 24 E.— The S. W. $\frac{1}{4}$ of sec. 14..... The S. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 14.....	160.00 40.00 200.00
26. Much-is-qua-tha †	In township 14 S., range 24 E.— The N. W. $\frac{1}{4}$ of sec. 24	160.00 40.00 200.00
27. Tete †.....	In township 14 S., range 24 E.— The S. E. $\frac{1}{4}$ the S. E. $\frac{1}{4}$ of sec. 24..... E. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 25..... In township 14 S., range 25— The W. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 30.....	40.00 80.00 80.00 200.00
28. Che-quah-wah.....	In township 14 S., range 25 E.— The S. E. $\frac{1}{4}$ of sec. 7..... The N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 30	160.00 40.00 200.00
29. Heirs of Kah-nox-se—James Perry, sole heir.	In township 14 S., range 25 E.— The N. E. $\frac{1}{4}$ of sec. 7..... The S. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 8.....	160.00 40.00 200.00
30. Heirs of No-tah-ke-we—Dougherty. †	In township 14 S., range 25 E.— The S. W. $\frac{1}{4}$ of sec. 8	160.00 40.00 200.00
31. Wah-thuk-se †.....	In township 14 S., range 25 E.— The S. E. $\frac{1}{4}$ of sec. 8	160.00 40.00 200.00
32. Heirs of Lip-pe-a-se	In township 14 S., range 25 E.— The N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 17	40.00 80.00 80.00 200.00
33. Lah-la.....	In township 14 S., range 25 E.— The S. W. $\frac{1}{4}$ of sec. 9	160.00 40.00 200.00
34. Heirs of We-zah-nom-ska-ka ...	In township 14 S., range 25 E.— The S. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 17	80.00 80.00 40.00 200.00

* Severalties.

† No patent.

‡ Died before the war.

The names of the members of the Black Bob settlement, &c.—Continued.

Name.	Description of land selected.	Acres.
35. Heirs of Black Bob.....	In township 14 S., range 25 E.— The W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 20.....	80.00
	The W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 17.....	80.00
	The S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 17.....	40.00
		200.00
36. Math-tha-na-se Bob	In township 14 S., range 25 E.— The E. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 20.....	80.00
	The E. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 17.....	80.00
	The S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 17.....	40.00
		200.00
37. On-ka-wath-kak Bob	In township 14 S., range 25 E.— The W. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 21.....	80.00
	The W. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 16.....	80.00
	The S. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 16.....	40.00
		200.00
38. Hoh-loh-quiche.....	In township 14 S., range 25 E.— The S. E. $\frac{1}{4}$ of sec. 9.....	160.00
	The N. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ of sec. 16.....	40.00
		200.00
39. Heirs of Wah-to-nah-ka-se	In township 14 S., range 25 E.— The N. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 16.....	40.00
	The S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 16.....	80.00
	The N. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 16.....	80.00
		200.00
40. Math-kaw-wa-se	In township 14 S., range 24 E.— The S. W. $\frac{1}{4}$ of sec. 8.....	160.00
	The N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 17.....	40.00
		200.00
41. Lewis Coffee	In township 14 S., range 25 E.— The S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 6.....	80.00
	The N. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 6.....	80.00
	The S. W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 6.....	40.00
		200.00
42. Wo-nah-tah or Edward Crane...	In township 14 S., range 25 E.— The N. E. $\frac{1}{4}$ of sec. 3.....	156.83
	The N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 3.....	38.41
		195.24
43. Mah-che-lo-se.....	In township 14 S., range 25 E.— The S. W. $\frac{1}{4}$ of sec. 5.....	160.00
	The S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 6.....	40.00
		200.00
44. Nut-tah-wah-pe-mah.....	In township 14 S., range 24 E.— The S. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 7.....	80.00
	The N. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 18.....	80.00
	The N. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 17.....	40.00
		200.00
45. Ton-qua-se-kah	In township 14 S., range 24 E.— The N. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 19.....	80.00
	The W. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 18.....	80.00
	The S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 18.....	40.00
		200.00
46. Heirs of James Crane—Pe-cot- we and Barlow, children.	In township 14 S., range 24 E.— The N. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 17.....	80.00
	The N. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 17.....	80.00
	The N. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 18.....	40.00
		200.00

The names of the members of the Black Bob settlement, &c.—Continued.

Name.	Description of land selected.	Acres.
47. David Black-feather.....	In township 14 S., range 24 E.— The S. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 20..... The S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 20..... The S. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 21.....	80.00 80.00 40.00 200.00
48. Po-cot-we, wife of D. B.....	In township 14 S., range 24 E.— The N. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 20..... The N. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 20..... The N. W. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 21.....	80.00 80.00 40.00 200.00
49. Na-tah-wah-pe-mah, daughter of D. B.	In township 14 S., range 24 E.— The S. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 17..... The S. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 17..... The S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 18.....	80.00 80.00 40.00 200.00
50. Wah-ka-cha-wa	In township 14 S., range 24 E.— The E. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 32..... The E. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 32..... The S. E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 29.....	80.00 80.00 40.00 200.00
51. Nah-swe-se-mo	In township 14 S., range 24 E.— The W. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 32..... The W. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 32..... The S. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 29.....	80.00 80.00 40.00 200.00
52. Heirs of John Black-feather— supposed to a child living in the Indian country.	In township 14 S., range 24 E.— The W. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 32..... The W. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 32..... The S. W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 29.....	80.00 80.00 40.00 200.00
53. James Black-feather	In township 14 S., range 24 E.— The E. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 32..... The E. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 32..... The S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 29.....	80.00 80.00 40.00 200.00
54. Heirs of Pa-ma-se—James John- son and David Black-feather, sole heirs.	In township 14 S., range 24 E.— The W. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 33..... The W. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 33..... The S. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 28.....	80.00 80.00 40.00 200.00
55. Heirs of Kin-wah-pe-a-se	In township 14 S., range 24 E.— The E. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 33..... The E. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 33..... The S. E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 28.....	80.00 80.00 40.00 200.00
56. Suquah	In township 14 S., range 24 E.— The W. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 33..... The W. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 33..... The S. W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 28.....	80.00 80.00 40.00 200.00
57. John Francis.....	In township 14 S., range 24 E.— The E. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 33..... The E. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 33..... The S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 28.....	80.00 80.00 40.00 200.00
58. Heirs of Sah-kah-te-zah—Su- quah and John Francis, sole heirs.	In township 14 S., range 24 E.— The W. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 34..... The W. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 34..... The S. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 27.....	80.00 80.00 40.00 200.00

The names of the members of the Black Bob settlement, &c.—Continued.

Name.	Description of land selected.	Acres.
59. Heirs of Wolf Dodge—supposed to have a child in Delaware country.	In township 14 S., range 24 E.— The E. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 34..... The E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 34..... The S. E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 27.....	80.00 80.00 40.00 200.00
60. Ne-kah-mah-ka-se	In township 14 S., range 24 E.— The W. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 16..... The W. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 34..... The S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 16.....	80.00 80.00 40.00 200.00
61. Pe-wa-se	In township 14 S., range 24 E.— The N. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 29..... The N. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 28..... The N. W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of sec. 28.....	80.00 80.00 40.00 200.00
62. George Williams, or Na-ket-he-as-ka-ka.	In township 14 S., range 24 E.— The S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 29..... The S. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 28..... The S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 28.....	80.00 80.00 40.00 200.00
63. Heirs of Thomas Dougherty—Tha-the-qua-ke-se Blackfish, sole heir.	In township 14 S., range 24 E.— The N. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 28..... The N. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 28..... The S. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 23.....	80.00 40.00 80.00 200.00
64. Betsey Perry.....	In township 14 S., range 24 E.— The W. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 21..... The E. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 21..... The S. E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 16.....	80.00 80.00 40.00 200.00
65. Heirs of Martin Blackhoof—Betsey Perry and Big Siss, sole heirs.	In township 14 S., range 24 E.— The W. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of sec. 21..... The E. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 21..... The S. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 21.....	80.00 80.00 40.00 200.00
66. Heirs of Ma-thah-we-ke-se—Allen McDugal, sole heir.	In township 14 S., range 24 E.— The S. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 16..... The N. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 16..... The S. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 16.....	80.00 80.00 40.00 200.00
67. Pel-a-quah	In township 14 S., range 24 E.— The S. E. $\frac{1}{4}$ of sec. 20..... The N. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of sec. 21.....	160.00 40.00 200.00
68. Heirs of Tha-ka-ke-lah-que.....	In township 14 S., range 24 E.— The E. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of sec. 20..... The N. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 29..... The N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of sec. 29.....	80.00 80.00 40.00 200.00
69. Heirs of White Crane—Pe-cat-we and Barlow's wife's children.	In township 14 S., range 24 E.— The S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of sec. 17..... The S. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of sec. 17..... The S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 18.....	80.00 80.00 40.00 200.00

We, the undersigned, chiefs of the Shawnee tribe of Indians, do hereby certify the foregoing named Shawnees, or *their heirs, members of the Black Bob settlement*, have made selections of land upon the tract for said settlement as indicated by the description set opposite their names, and that said selections have been made by the persons indicated who are entitled thereto, and in the manner required by the fourth article of the treaty the 10th day of May, A. D. 1854.

GRAHAM ROGERS,
First Chief Shawnee Agency.
CHARLES TUCKER,
Second Chief Shawnee Agency.

Witness—

CHARLES BLUEJACKET,
United States Interpreter.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Lawrence, Kansas, 11th month 22, 1869.

SIR: Referring to my report upon the Black Bob lands, dated 9th month, 17th, in which I made certain recommendations, and to office letter, approving said recommendations, dated "September 29, 1869," and stating that certain deeds will be approved by the department when evidence shall be received through this office of the payment of the full amount specified in said deeds, I herewith forward a schedule of deeds granted by members of the Black Bob band of Shawnees to J. C. Irwin and to James G. Blunt, and numbered from one (1) to thirty-two (32) inclusive, upon which the full amount of discrepancy found in such deeds has been met, and has been placed in my hands to be paid to the several claimants. I would respectfully recommend that the deeds named in the schedule herewith be approved by the department.

Very respectfully,

ENOCH HOAG,
Superintendent Indian Affairs.

Hon. E. S. PARKER,
Commissioner.

UNITED STATES SENATE CHAMBER,
Washington, November 29, 1869.

SIR: Referring to our conversation to-day, I beg respectfully to suggest that, in disposing of the Black Bob settlement and reservation upon the Shawnee reserve in Kansas, it is very desirable to dispose of it all, and *close it out* to actual settlers, rather than to allow the best portions of it to be taken by allotments and then immediately sold to speculators.

And as the treaty of 1854 provided for the disposition of these lands in a certain contingency, by a law of Congress, I would respectfully ask that the present system of administering upon these lands be suspended until Congress (now soon to assemble) shall have time to act, and the Department of Indian Affairs mature a plan for the more equal distribution of the proceeds to the Black Bob portion, who are, by reason of incompetency and infancy, unable to take allotments.

I have no doubt but that Congress will readily pass an act, as it did at the last session, for the other portion of this reserve, and thus the whole difficult question of executive administration will be relieved.

I am, truly, &c.,

S. C. POMEROY.

Colonel PARKER,
Commissioner, &c.

UNITED STATES SENATE CHAMBER,
Washington, December 6, 1869.

SIR: I have the honor to request that further action looking to the perfection of certain patents for Black Bob Indian lands in Kansas, now pending in your office, be suspended. I make this request in the hope that legislation may be had during the present session for the disposition of those lands of such a character as shall better protect the rights both of the Indians and the settlers interested. I am convinced that under those patents a great wrong will be perpetrated upon both parties, if they should be perfected.

I will be glad to co-operate with you in any measure which will secure those lands to the settlers and do justice to the Indians.

Very respectfully, yours,

E. G. ROSS.

Hon. E. S. PARKER,
Commissioner Indian Affairs.

HOUSE OF REPRESENTATIVES,
FORTY-FIRST CONGRESS UNITED STATES,
Washington, D. C., December 9, 1869.

DEAR SIR: Herewith inclosed please find copy of a letter dated March 21, 1869, relating to the case of the Black Bob lands of the Shawnee Indian tribe.

This letter was written on the day of its date, and was delivered to Mr. T. S. Slaughter, the representative of the settlers on said lands, with the understanding that it was to be delivered by him to you on the same day.

Inasmuch as I have since learned, both from yourself and from Mr. Slaughter, that he did not deliver the letter to you, and as I have recently learned from him that he still has the original in his possession, I take the liberty to inclose a copy to you, to the end that the records of the case may show that which I have frequently urged upon you verbally, viz., my anxious solicitude that all the rights of the settlers on the Black Bob lands should be fully protected in your consideration and decision of the question at issue.

Very respectfully, your obedient servant,

SIDNEY CLARKE, M. C.

Hon. J. D. COX,
Secretary of the Interior, Washington, D. C.

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 21, 1869.

SIR: In a verbal communication with you on Saturday last I called your attention to the case now before you, relating to the Black Bob lands of the Shawnee Indians.

I stated to you that this case has been at issue for a long time, and that the welfare of the settlers, in which I feel a deep interest, as well as the interests of the Indians, demanded that a final decision should be reached as soon as possible, consistent with a full examination of all the facts and a proper respect for the rights of all parties in interest.

I now write to urge that the rights of the settlers may be made permanent to all technical objections to their occupancy of the lands, and that you will favor these pioneers as far as possible.

I hope you will give a full hearing to the representative of the settlers.

While I do not wish that any injustice should be done the Indians, I earnestly appeal to you to guard with zealous care the rights of the poor and honest men whose homes and property depend upon the result.

Very respectfully, your obedient servant,

SIDNEY CLARKE, M. C.

Hon. J. D. Cox,

Secretary of the Interior.

IN THE SENATE OF THE UNITED STATES—*December 13, 1869.*

Resolved, That the Secretary of the Interior is hereby directed to report, for the information of the Senate, copies of all papers on file in his department relating to the disposal of the tract of land in Kansas known as the "Black Bob" Shawnee reservation, and he is requested to suspend proceeding in the premises until congressional action can be had in relation thereto.

Attest:

GEO. C. GORHAM,
Secretary.

Action: Respectfully referred to the Commissioner of Indian Affairs, who will cause copies of the papers to be prepared and submitted to the department to be forwarded to the Senate.

By direction of the Secretary.

GEORGE T. METCALF,
Chief Clerk.

DECEMBER 13, 1869.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING.

In compliance with a resolution of the Senate of the 4th instant, information in regard to the proceedings had in the State of Georgia in pursuance of the recent act of Congress entitled "An act to promote the reconstruction of Georgia," and in relation to the organization of the legislature of that State since the passage of that act.

FEBRUARY 14, 1870.—Read, referred to the Committee on the Judiciary, and ordered to be printed.

To the Senate of the United States :

In reply to the resolution of the Senate of the 4th instant, requesting information in regard to the proceedings had in the State of Georgia, in pursuance of the recent act of Congress entitled "An act to promote the reconstruction of the State of Georgia," and in relation to the organization of the legislature of that State since the passage of that act, I herewith transmit the report of the Secretary of War, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., February 11, 1870.

WAR DEPARTMENT,
Washington, February 9, 1870.

The Secretary of War, to whom was referred the resolution of the Senate of the United States, dated February 4, 1870, has the honor to submit to the President the accompanying papers, containing all the information in his possession relative to the proceedings had in the State of Georgia, in pursuance of the recent act of Congress to promote the reconstruction of said State, and in relation to the organization of the legislature of that State since the passage of the act described.

WM. W. BELKNAP,
Secretary of War.

[General Orders No. 85.]

HEADQUARTERS OF THE ARMY,
 ADJUTANT GENERAL'S OFFICE,
 Washington, December 27, 1869.

The following act of Congress is published for the information and guidance of all concerned:

[PUBLIC—No. 1.]

AN ACT to promote the reconstruction of the State of Georgia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the governor of the State of Georgia be, and hereby is, authorized and directed forthwith, by proclamation, to summon all persons elected to the general assembly of said State, as appears by the proclamation of George G. Meade, the general commanding the military district including the State of Georgia, dated June 25, 1868, to appear on some day certain, to be named in said proclamation, at Atlanta, in said State; and thereupon the said general assembly of said State shall proceed to perfect its organization in conformity with the Constitution and laws of the United States, according to the provisions of this act.

SEC. 2. *And be it further enacted,* That when the members so elected to said senate and house of representatives shall be convened, as aforesaid, each and every member and each and every person claiming to be elected as a member of said senate or house of representatives shall, in addition to taking the oath or oaths required by the constitution of Georgia, also take and subscribe and file in the office of the secretary of state of the State of Georgia, one of the following oaths or affirmations, namely: "I do solemnly swear (or affirm, as the case may be) that I have never held the office, or exercised the duties of, a senator or representative in Congress, nor been a member of the legislature of any State of the United States, nor held any civil office created by law for the administration of any general law of a State, or for the administration of justice in any State or under the laws of the United States, nor held any office in the military or naval service of the United States, and thereafter engaged in insurrection or rebellion against the United States, or gave aid or comfort to its enemies, or rendered, except in consequence of direct physical force, any support or aid to any insurrection or rebellion against the United States, nor held any office under, or given any support to, any government of any kind organized or acting in hostility to the United States, or levying war against the United States. So help me God, (or on the pains and penalties of perjury, as the case may be)." Or the following oath or affirmation, namely: "I do solemnly swear (or affirm, as the case may be) that I have been relieved, by an act of the Congress of the United States, from disability as provided for by section three of the fourteenth amendment to the Constitution of the United States. So help me God, (or on the pains and penalties of perjury, as the case may be)." Which oath or affirmation, when so filed, shall be entered of record by the secretary of state of the State of Georgia, and said oath or affirmation, or a copy of the record thereof, duly certified by said secretary of state, shall be evidence in all courts and places. And every person claiming to be so elected, who shall refuse or decline or neglect or be unable to take one of said oaths or affirmations above provided, shall not be admitted to a seat in said senate or house of representatives, or to a participation in the proceedings thereof, but shall be deemed ineligible to such seats.

SEC. 3. *And be it further enacted,* That if any person claiming to be elected to said senate or house of representatives, as aforesaid, shall falsely take either of said oaths or affirmations above provided, he shall be deemed guilty of perjury, and shall suffer the pains and penalties thereof; and may be tried, convicted, and punished therefor by the circuit court of the United States for the district of Georgia, in which district said crime was committed; and the jurisdiction of said court shall be sole and exclusive for the purpose aforesaid.

SEC. 4. *And be it further enacted,* That the persons elected, as aforesaid, and entitled to compose such legislature, and who shall comply with the provisions of this act, by taking one of the oaths or affirmations above prescribed, shall thereupon proceed, in said senate and house of representatives to which they have been elected respectively, to reorganize said senate and house of representatives, respectively, by the election and qualification of the proper officers of each house.

SEC. 5. *And be it further enacted,* That if any person shall, by force, violence, or fraud, willfully hinder or interrupt any person or persons elected as aforesaid from taking either of the oaths or affirmations prescribed by this act, or from participating in the proceedings of said senate or house of representatives, after having taken one of said oaths or affirmations, and otherwise complied with this act, he shall be deemed guilty

of a felony, and may be tried, convicted, and punished therefor by the circuit or district court of the United States for the district of Georgia in which district said offense shall be committed; and shall be punished therefor by imprisonment at hard labor for not less than two nor more than ten years, in the discretion of the court, and the jurisdiction of said courts shall be sole and exclusive for the purpose aforesaid.

SEC. 6. *And be it further enacted*, That it is hereby declared that the exclusion of any person or persons elected as aforesaid, and being otherwise qualified, from participation in the proceedings of said senate or house of representatives, upon the ground of race, color, or previous condition of servitude, would be illegal and revolutionary, and is hereby prohibited.

SEC. 7. *And be it further enacted*, That upon the application of the governor of Georgia, the President of the United States shall employ such military or naval forces of the United States as may be necessary to enforce and execute the preceding provisions of this act.

SEC. 8. *And be it further enacted*, That the legislature shall ratify the fifteenth amendment proposed to the Constitution of the United States before senators and representatives from Georgia are admitted to seats in Congress.

Approved December 22, 1869.

By command of General Sherman:

E. D. TOWNSEND,
Adjutant General.

[Telegram.]

ATLANTA, GEORGIA, *December 23, 1869.*

General W. T. SHERMAN,

Commanding Army of the United States:

I have received a telegram from Governor Bullock, stating that he and others have urged upon the President my assignment to the command of Georgia as a military district.

I beg that this may not be done. The matter will be decided to-night.

A. H. TERRY,
Brevet Major General.

[General Orders No. 83.]

HEADQUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
Washington, December 24, 1869.

Brevet Major General A. H. Terry, in addition to his duties as commander of the department of the South, is, by order of the President of the United States, appointed to exercise the duties of commanding general of the district of Georgia, as defined by the act of Congress approved December 22, 1869.

By command of General Sherman:

E. D. TOWNSEND,
Adjutant General.

[Telegram.]

HEADQUARTERS OF THE ARMY,
Washington, December 24, 1869.

General A. H. TERRY,

Commanding Department of the South, Atlanta, Georgia:

Your cipher dispatch is received and has been shown to the President and Secretary of War. Before its receipt the President had ordered

that you should perform the duties of district commander in addition to those of department commander, and though he feels disposed to comply with any request you should make, still he thinks you, better than any other officer, can execute the delicate responsibilities of the office. I concur in this, and hope you will cheerfully conform. The printed order and a certified copy of the law will come to you by mail and require less labor on your part than at first appears. Do not remove any officer, but let matters continue as at present until a necessity arises. Governor Bullock seems very anxious that you should remain and tells me he has notified you of his preference.

W. T. SHERMAN, *General.*

[Telegram.]

ATLANTA, GEORGIA, *January 2, 1870.*

General W. T. SHERMAN, *Commanding Armies of the United States:*

I have assumed command of Georgia as a district. Since my last telegram I have become convinced that my assignment as a district commander was necessary, and I think that I should be clothed with the powers given by the reconstruction acts.

I would suggest that the orders proposed in my report of August 14th be issued. I think that the knowledge that I have those powers would go far to prevent the necessity for their use.

A. H. TERRY,
Brevet Major General.

[General Orders No. 1.]

HEADQUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
Washington, January 4, 1870.

By direction of the President of the United States, so much of General Orders No 103, dated Headquarters Third Military District, (Department of Georgia, Florida, and Alabama,) Atlanta, Georgia, July 22, 1868; and so much of General Orders No. 55, dated Headquarters of the Army, Adjutant General's Office, Washington, July 28, 1868, as refers to the State of Georgia is hereby countermanded. Brevet Major General Terry will, until further orders, exercise within that State the powers of the commander of a military district, as provided by the act of March 2, 1837, and the acts supplementary thereto, under his assignment by General Orders No. 83, dated Headquarters of the Army, Adjutant General's Office, Washington, December 24, 1869.

By order of General Sherman :

E. D. TOWNSEND,
Adjutant General.

[Telegram.]

ATLANTA, GA., *January 11, 1870.*

General W. T. SHERMAN, *Commanding Armies of the United States:*

The senate of Georgia has been organized. I am informed and believe that at least two of the persons who took the oath in that body

are disqualified. The house of representatives is partially sworn. I am informed that nine disqualified persons have already taken the oath. It is expected that others will do so. One of the senators who took the oath stated night before last that he believed himself disqualified, but that his people expected him to take it. An immense pressure has been brought to bear on disqualified persons to induce or compel them to take the oath. Money has been raised to defend them in case of prosecution. Am I authorized, as military commander, under the reconstruction acts, and under sections four and five of the act of December 22, 1869, to investigate the question of eligibility, and determine for the time being the right of these persons to seats, or must the taking of the oath be considered conclusive. It is very important that any action which may be taken should be taken at once. Please instruct me.

ALFRED H. TERRY,
Brevet Major General Commanding.

[Telegram sent in cipher.]

HEADQUARTERS OF THE ARMY,
Washington, January 12, 1870.

Brevet Major General A. H. TERRY, *Atlanta, Georgia:*

Your dispatch of this morning shown the President and Secretary of War, and the result is in these words: Exercise your own discretion. If a flagrant case arises, where a disqualified person proposes to take the oath, investigate the question of eligibility, and determine for the time being his right.

W. T. SHERMAN, *General.*

[Telegram.]

ATLANTA, GEORGIA, *January 12, 1870.*

General W. T. SHERMAN,

Commanding Armies United States:

I feel great interest in the decision of the questions submitted in my last telegram. Should the disqualified persons retain their seats, I think they will adopt the fifteenth amendment, in order to get rid of the army. But I much fear that they will not pass the laws necessary to put down the Ku-Klux.

A. H. TERRY,
Brevet Major General.

[Telegram.]

ATLANTA, GEORGIA, *January 12, 1870.*

General W. T. SHERMAN:

It is exceedingly important that I should receive a reply to my first dispatch of yesterday before to-morrow morning. I earnestly request one.

ALFRED H. TERRY,
Brevet Major General.

[Telegram.]

ATLANTA, GEORGIA,
January 12, 1870.

General W. T. SHERMAN:

Outrages which have occurred in Warren County have very much excited the citizens, and they have made application for active military protection. For several nights they have been standing guard. I have thought it necessary to remove the sheriff who was acting under an order of a local court, and I have appointed the man who was elected at the last election to that office, but was driven from the county by the regulators. Referring to your dispatch on the subject of removals, I hope that you will approve.

ALFRED H. TERRY,
Brevet Major General.

[Telegram.]

HEADQUARTERS OF THE ARMY,
Washington, January 12, 1870.

General A. H. TERRY,

Commanding Department of the South, Atlanta, Georgia :

I answered your dispatch this day, and am assured it was sent. I will sustain you in the exercise of any authority that will maintain substantial good order until the State of Georgia is recognized by the executive and by Congress. Even then, some lawful means will be found whereby we can defend our own friends against the Ku-Klux or band of assassins.

I think the use of our soldiers should be limited to maintaining the peace, while you personally are vested with executive authority over governor and legislature till the State is fully admitted. You, on the spot, must be the judge of how far it is politic or wise to interfere with the component parts of the legislature elect, or with their proposed legislation.

W. T. SHERMAN,
General.

[Telegram.]

ATLANTA, GEORGIA,
January 12, 1870.

General W. T. SHERMAN,

Commanding Armies of the United States :

By the law of Georgia, in case any person elected to any office is constitutionally disqualified, the person receiving the next highest number of votes is entitled to the office. Under the law of December 22, those who fail, neglect, or refuse to take one of the oaths therein provided, are declared to be ineligible. The election returns showing who received the next highest votes are in this office. Can I add to General Meade's proclamation, an order giving the names of those who received the second vote, and declaring them entitled to seats?

A. H. TERRY,
Major General.

[Telegram sent in cipher.]

HEADQUARTERS OF THE ARMY,
Washington, January 13, 1870.

General A. H. TERRY, *Atlanta, Georgia*:

Telegraphed you last night, and now have yours about proclaiming those who received the second highest votes elected in case the first is disqualified for any reason. I see no objection, if it will stand the test of law. The legislature is at best provisional.

W. T. SHERMAN, *General*.

[Telegram received in cipher.]

ATLANTA, GEORGIA, *January 13, 1870.*

General W. T. SHERMAN:

Your dispatch received. Nearly all have taken the oath under your dispatch. I am investigating their cases. Am I right?

A. H. TERRY,
Brevet Major General

[Telegram received in cipher.]

ATLANTA, GEORGIA, *January 13, 1870.*

The PRESIDENT *of the United States*:

The governor's interference consists in adjournment of the house in order to hear from Washington relative to disqualified persons under General Sherman's dispatch. I have ordered an investigation as to eligibility. I think it would be unfortunate to countermand my action.

A. H. TERRY,
Brevet Major General.

[Telegram received in cipher.]

ATLANTA, GEORGIA, *January 13, 1870.*

The PRESIDENT *of the United States*:

The trouble arises from the union of a few republicans with the democrats. Their pretext is that the governor is dishonest and has stolen the funds of the State. I believe the charges unfounded and think they are governed by other motives.

A. H. TERRY,
Brevet Major General.

[Telegram sent in cipher.]

HEADQUARTERS OF THE ARMY,
Washington, D. C., *January 14, 1870.*

General A. H. TERRY, *Atlanta, Georgia*:

I have shown the President your dispatch of January 13, and he says you are acting all right.

W. T. SHERMAN, *General*.

[Telegram received in cipher.]

ATLANTA, GEORGIA, *January 14, 1870.*

General W. T. SHERMAN :

I send the following facts: One senator took the oath on Monday. He now has applied to withdraw it, saying that he took it under a misapprehension. He was a judge before the war, and admits that he gave aid and comfort. He says that party pressure was too strong for him to resist. The house committee, at the first session, reported but three (3) members disqualified, but I have seen the applications, recently made, of sixteen (16) of them for relief from disability, thus admitting their ineligibility. The fight is making by republicans who, at former sessions, united with the democrats to elect senators. They wish to prevent a new election, and now join with the democrats in the effort to control the organization of the house, so that none of the ineligible members may be unseated. I think the fairest way for all parties is to determine before the organization who are entitled to sit, and let them organize. My object is not to favor either side in this contest, but only to prevent disqualified persons from getting into the legislature. I understand it to be decided that I have the power to do this under the reconstruction acts, and if I have the power, I think it my duty to exercise it. Please show this to the President as being partly in reply to his dispatch.

A. H. TERRY,
Brevet Major General.

[Telegram.]

ATLANTA, GEORGIA, *January 15, 1870.*

General W. T. SHERMAN: I transmit a copy of a protest, presented to me by a committee appointed at a meeting of republicans and democrats, with the request that I would forward it at once.

ALFRED H. TERRY,
Brevet Major General.

I am instructed by the committee appointed by this body to make the following report:

Whereas we, members elect to the general assembly of this State, assembled in this city on Monday, the 10th instant, in answer to a proclamation of his excellency R. B. Bullock, governor of Georgia, issued in accordance with the provisions of a bill recently passed by Congress to promote the reconstruction of the State of Georgia; and whereas the said bill provides, section one, that the governor is authorized to summon all persons elected to the general assembly, as appears by the proclamation of General George G. Meade, dated June 25, 1868, to appear on some day certain to be named in said proclamation, at Atlanta, and thereupon the said general assembly is authorized to perfect its organization in conformity with the Constitution and laws of the United States, according to the provisions of said act; and whereas the governor, as we believe in violation of the provisions of said act, directed one A. L. Harris, not a member of said general assembly, but an appointee of the governor on the Western and Atlantic railroad, property of the State, to organize the house of representatives; and whereas said Harris has acted arbitrarily, and has assumed in violation of law to dictate to members duly elected as aforesaid what they shall, and shall not say and do, and has refused to allow them to proceed to perfect the organization of said house of representatives, in accordance with the provisions of said act, and has willfully hindered and interrupted the organization of said house by adjourning it from day to day, against the will of a majority of the members thereof and in violation of said law of Congress; and whereas the said law provides, section two, that said members when convened shall take certain oaths, which most of the members of said house duly quali-

fied under said act have already done, and all who were present who think themselves qualified have presented themselves and demanded to be sworn, in accordance with said act; and whereas the said Harris, in direct violation of the said act of Congress, has dismissed the said members who were ready and willing to organize in accordance with the provisions of the said law of Congress, and has willfully hindered and interrupted the said members from participating in the proceedings of said house of representatives, after having taken the oaths prescribed, and otherwise complied with said act; we, therefore, present the following protest and appeal to the general commanding the third military district:

The law of Congress under which we are convened being thus overridden, the constitution and laws of the State thus disregarded, and desiring at this hour to advance no political purposes, but earnestly wishing an organization of this general assembly in accordance with law, that the quiet of our homes may be secured and our little property saved from depredation, we, divided politically as republicans and democrats, but united in this effort, protesting against the proceedings already had, and the action now being had, in the organization of the general assembly, because it is in direct violation of the law of Congress itself which now affords the warrant for our assembling as a legislature; because it is designed, as we believe, for the purpose of defeating a fair organization of the two houses until corrupt and dangerous men shall so shape affairs that the State may fall helpless into their hands for plunder and oppression; because it takes the power of determining qualifications of senators and representatives from the former, which the law of Congress does not interfere with, and which the Constitution provides. Thus truthfully and earnestly expressing our desires, and making this our protest, we appeal to the general commanding, as a soldier of unsullied honor, a servant of the republic, to exercise the power in him by the federal government intrusted, to rescue the people of Georgia from violence and outrage with which they are now threatened by boldly wicked men.

J. E. BRYANT, *Chairman.*

[Telegram received in cipher.]

HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
Atlanta, Georgia, January 15, 1870.

General W. T. SHERMAN:

A question is being presented on which I would like the opinion of better legal authority than myself. Did a man who entered upon an office under the laws of this State after the passage of the ordinance of secession, and before the President's proclamation, hold an office under a State within the meaning of the oath in the act of December 22, so that if he engaged in the rebellion he is now ineligible?

ALFRED H. TERRY,
Brevet Major General.

[Telegram sent in cipher.]

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., January 16, 1870.

General A. H. TERRY,
Commanding Department, Atlanta, Georgia.

The protest is received and has been submitted to the President.

If Harris is not a member elect to the legislature of Georgia he has no right to act as an officer to organize it. If he is a member, then he can only act as the presiding officer when so chosen by the members. If any one is to be appointed under any circumstances, you are the person to appoint, not Governor Bullock. The cipher dispatch will be submitted to the Attorney General to-morrow, and his answer will be sent you as soon as received.

W. T. SHERMAN, *General.*

[Telegram.]

ATLANTA, GEORGIA, *January 17, 1870.*

By special request of the committee who presented me with the resolutions adopted at a republican mass meeting held in Atlanta, Georgia, January 15, 1870, I send them to you by telegraph, viz:

Whereas our political opponents, who have persistently fought the government of the Union by arms in rebellion and by ballots in peace, have assumed to dictate to the authorities in the present juncture of public affairs; and whereas these opponents now attempt to disguise their treacherous schemes under the guise of good intentions; and whereas these opponents assume to believe that public interests will not be safe in the hands of republicans; and whereas charges are made against our friends in public position: Be it—

Resolved, By the republican members of the legislature and the republican citizens of Georgia in mass meeting assembled, and it is hereby resolved, that we indorse the administration of President Grant and the wise course pursued by the gallant officer whom the President has assigned to command in this district.

Resolved, That in General Terry we have a soldier and a gentleman, a man too wise to be influenced by rebel allurements, and too just to be governed by partisan feelings, and that we repose confidence in him as one who will see to it that no person who is disqualified will be permitted to obtain seats in our legislature, and thereby give us an organization that can and will secure our restoration to the Union, and ratification of the fifteenth amendment.

Resolved, That we have, as ever heretofore, full confidence in the integrity, wisdom, and patriotism of our chief magistrate, and fully indorse his course.

Resolved, That a committee of ten be appointed to wait upon General Terry on Monday morning next and present to him a copy of these resolutions, and to assure him that the republican party of Georgia fully approve of all the acts so far done toward the proper organization of the general assembly.

ALFRED H. TERRY,
Brevet Major General.

General W. T. SHERMAN,
Washington, D. C.

[Telegram sent in cipher.]

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, D. C., January 18, 1870.

General A. H. TERRY,
Commanding, &c., Atlanta, Georgia:

Your dispatch of January 15 was submitted to the Attorney General, who answers:

“A legislature or State government organized under the ordinance of secession was not a legislature of a State of the United States, within the meaning of the act of December 22, 1869.”

W. T. SHERMAN,
General.

[Telegram received in cipher.]

HEADQUARTERS, ATLANTA, GEORGIA,
January 18, 1870.

General W. T. SHERMAN,
Washington, D. C.:

Your dispatch received. I think that I must take the responsibility of Harris's appointment, for I approved it, as I have the adjournments, which have been made for the purpose of obtaining instructions from you, and for the purpose of making the investigation in regard to eligibility. I do not think that Harris has acted unfairly. He has announced the adjournments without a vote of the house, but those adjournments were for the above purposes, and were with my approval. It seemed to me that no member elect could act in the organization until he had taken the oath, and that to avoid confusion some one must be appointed to call the roll and see the oath administered. He was not appointed presiding officer, but clerk *pro tem*. I think that it is by far the fairest course to determine the question of eligibility before the organization, and for this purpose other adjournments will be necessary.

After what I have said above, shall I understand that Harris should act no longer; and if so, shall I permit all persons who have taken the oath to take part in the election of a temporary chairman, without reference to their eligibility?

ALFRED H. TERRY,
Brevet Major General.

[Telegram.]

ATLANTA, GEORGIA, January 18, 1870.

General W. T. SHERMAN:

A set of resolutions passed by the colored members of the legislature, and supporting Governor Bullock and the course pursued here, have been presented to me, with the request that I would notify you of the fact and forward them. I send them by mail.

ALFRED H. TERRY,
Brevet Major General.

ATLANTA, GEORGIA, January 18, 1870.

In behalf of ourselves, the ninety-eight thousand colored voters, and the five hundred thousand colored citizens in Georgia whom we represent—

We, the colored members of the general assembly, feeling from our past experience a deep interest in the proper organization of the legislature under the reconstruction acts of Congress, have met together to consider the present emergency, with the facts, which are apparent, alleging that disqualified persons are not to be excluded and loyal men who were legally elected awarded their seats, do hereby adopt the following preamble and resolutions:

Whereas, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," and by admitting illegal persons to the power of legislators, our rights will be abridged, judging the future by the past; and whereas our expulsion from the legislature on account of our color, in violation of the

civil rights bill and 14th article of amendment to the Constitution, was accepted by disloyal persons as evidence that colored men and women in Georgia had no rights that white men were bound to respect, and was followed by the whipping, robbing, and murdering of our people for no reason but our helpless condition; and whereas it is reported that the government is disposed to regard the protestations of disloyal persons as being worthy of consideration, when we know that they are not to be trusted, and should not be believed: Therefore, be it—

Resolved, That we respectfully request the government to look at the past and be controlled by it for the future, and therefore demand a rigid execution of the law by the exclusion of disqualified persons, and, by giving their seats to eligible persons who were legally elected aid us in maintaining our rights, protect our wives and daughters from insult and infamy, and our property from the despoiler.

Resolved, That the order of his excellency Governor R. B. Bullock, approved by Major General Terry, appointing J. G. W. Mills as clerk to organize the senate, and the Hon. A. L. Harris as clerk to organize the house, is not in our opinion in conflict with the bill to promote reconstruction in Georgia.

Resolved, That the charges alleged against his excellency, Governor Bullock, of corruption in appropriating State funds, has no foundation in fact and could not be sustained upon the evidence adduced before any impartial jury.

Resolved, That a committee be appointed to present these resolutions to General Terry, and respectfully request him to send them to the President of the United States.

A. ALFRED BRADLEY,
T. J. CAMPBELL,
GEO. WALLACE,
W. H. HARRISON,
J. M. SIMMS,

Committee.

[Telegram received in cipher.]

ATLANTA, GEORGIA, *January 20, 1870.*

General W. T. SHERMAN, *Washington, D. C.:*

Your letter of 17th received. As yet I have excluded no member of either house. The only acts done are the adjournments to give time for an investigation to find out whether there are any "flagrant" cases. The Attorney General's opinion was entirely in accordance with my own. I should have decided the same way, but I wanted the opinion to fortify myself against pressure here. The house now stands adjourned till Monday. A staff officer left here last night with dispatches for you. Among them is a presentation of the law of the whole case in behalf of Bullock. I will do nothing more until I get your reply to it. I shall consider your letter an order, and exclude no one unless after getting the dispatches you modify it. It is very important that the final determination of this whole matter be made and communicated to me before Monday morning, so that if no further action is to be taken, the house may then be organized.

ALFRED H. TERRY,
Brevet Major General.

[Telegram received in cipher.]

ATLANTA, GEORGIA, *January 20, 1870.*

General W. T. SHERMAN: At the request of Governor Bullock, I send you the following proposition, although it seems to me to be just what you in your letter recommended me not to do, namely, the house to be

organized on Monday, excluding from the organization by military authority those members elect whose cases are now being investigated. Those cases to be then referred to the house itself for decision.

ALFRED H. TERRY,
Brevet Major General.

[Telegram sent in cipher.]

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., January 21, 1870.

General A. H. TERRY, *Commanding, &c., Atlanta, Georgia :*

Your two cipher dispatches of 20th received. Will await the arrival of the aid with dispatches. In the mean time, I add that I think the legislature should organize next Monday, including all members duly elected, subject to the oaths prescribed, and the conditions of the reconstruction law, excluding only the flagrant cases to be determined by yourself, under the order of the President.

W. T. SHERMAN,
General.

[Telegram.]

HEADQUARTERS OF THE ARMY,
Washington, January 21, 1870.

General A. H. TERRY, *Atlanta, Georgia :*

Captain Telford arrived. I send the papers for decision of Attorney General. Will endeavor to give you full answer on Sunday.

W. T. SHERMAN,
General.

HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
Atlanta, Georgia, January 19, 1870.

GENERAL: A question upon which I have already asked and received some instructions, is now assuming such proportions, and is being so earnestly debated by the contending parties here, that I think it my duty to submit it to you at greater length than I have hitherto done.

That question is, "Are the persons who received the second highest vote at the election at which the members of the present legislature were chosen, entitled to the seats of those persons who have 'failed, neglected, or refused' to take one of the oaths provided in the act of December 22, 1869, and who are declared by the act to be 'ineligible,' and to the seats of those who may be found to be ineligible by the board now in session; and if they, the second highest, are entitled to such seats, can I, as a district commander, under the reconstruction acts, declare and direct that they shall be seated and permitted to take part in the organization of the house?"

I have been most strongly urged by Governor Bullock to take this course, but I have declined to do so until I should be clearly satisfied that it would be in accordance, not only with the law of Georgia, but with the act of December 22.

The inclosed are copies of papers which have been presented to me.

The principal ones are the arguments presented in support of the two sides of the question.

The one in support of the claim that the second highest candidate is entitled to the seat, is from one of the most distinguished lawyers of Georgia, and I think merits especial attention. The first portion of it is a very able, exhaustive, and, I think, conclusive discussion of the general powers of a military commander here; the latter part bears directly on the question at issue. The greatest possible interest is felt by all parties in the decision of this matter, as it may determine the political character of the house of representatives. No determination of it which I could make would be satisfactory to the contending parties, but I think that a decision by some high legal authority would be acquiesced in, and would strongly tend to produce peace and quiet.

I therefore venture to suggest that the opinion of the Attorney General be taken on the matter, and that I should be instructed to act upon the conclusions to which he may arrive. I forward with these papers a copy of the code of Georgia, and also a copy of the order by which General Meade announced the names of the persons elected to the legislature. The sections of the code which bear upon the matter are Nos. 120 and 121.*

I send this day a special messenger, (Captain J. G. Telfford, aide-de-camp.) I do this for the reason that the mails between this place and Washington are so irregular that no dependence can be placed upon them, and this matter does not admit of delay.

I have the honor to be, very respectfully, your obedient servant,

ALFRED H. TERRY,

Brevet Major General Commanding.

General W. T. SHERMAN,

Washington, D. C.

[General Orders No. 90.]

HEADQUARTERS THIRD MILITARY DISTRICT,
DEPARTMENT OF GEORGIA, FLORIDA, AND ALABAMA,
Atlanta, Georgia, June 25, 1868.

From the returns made by the boards of registration of the election held in the State of Georgia for a governor, members of the general assembly, and other officers, under the provisions of General Orders No. 30, issued from these headquarters, which election commenced on the 20th day of April, 1868, and continued four days, it appears:

1. That at the said election Hon. R. B. Bullock received a majority of all the votes cast for governor of the State of Georgia.

2. That at said election the following named persons were elected senators in the general assembly of said State from the respective senatorial districts in which they were chosen, viz:

SENATORS ELECT.

First district, A. A. Bradley; second district, T. G. Campbell, sr.; third district, E. D. Graham; fourth district, J. M. Coleman; fifth district, A. Corbit; sixth district, Joshua Griffin; seventh district, M. C. Smith; eighth district, B. F. Brutton; ninth district, R. T. Nesbit; tenth district, F. O. Welch; eleventh district, C. B. Wooten; twelfth district, C. R. Moore; thirteenth district, William B. Jones; fourteenth district, John J. Collier; fifteenth district, W. T. McArthur; sixteenth district, H. Hicks; seventeenth district, McWhorter Hungerford; eighteenth district, Benjamin Conley; nineteenth district, Joseph Adkins; twentieth district, George Wallace; twenty-first district, William Griffin; twenty-second district, T. J. Speer; twenty-third district,

* Code of Georgia, (a volume of 1100 pages, entitled "The Code of the State of Georgia," prepared by R. H. Clark, T. R. R. Cobb, and D. Irwin, printed at Atlanta, Georgia, 1867.)

W. J. Anderson; twenty-fourth district, B. B. Hinton; twenty-fifth district, E. J. Higbee; twenty-sixth district, A. D. Nunnally; twenty-seventh district, John Harris; twenty-eighth district, W. F. Jordan; twenty-ninth district, Josiah Sherman; thirtieth district, J. H. McWhorter; thirty-first district, William F. Bowers; thirty-second district, John C. Richardson; thirty-third district, A. M. Stringer; thirty-fourth district, Milton A. Candler; thirty-fifth district, W. T. Winn; thirty-sixth district, W. C. Smith; thirty-seventh district, W. W. Merrell; thirty-eighth district, Walker Brock; thirty-ninth district, A. W. Holcomb; fortieth district, C. J. Wellborn; forty-first district, John Dickey; forty-second district, John T. Burns; forty-third district, Joel C. Fain; forty-fourth district, B. R. McCutchin.

3. That at said election the following named persons were elected representatives in the general assembly of said State from the counties to their names respectively attached, viz :

MEMBERS ELECT.

Appling, Isham Raddish; Baker, A. M. George; Baldwin, Peter O'Neal; Banks, William R. Bell; Berrien, Thomas Paulk; Bibb, H. M. Turner, J. Fitzpatrick, and J. E. J. Franks; Brooks, W. A. Lane; Bryant, W. L. Houston; Bullock, W. M. Hall; Burke, M. Claiborn, John Warren, and John A. Madden; Butts, T. M. Harkness; Chatham, C. K. Osgood, James Porter, and James M. Sims; Camden, Virgil Hillyer; Campbell, W. S. Zellers; Carroll, John Long; Cass, or Bartow, F. M. Ford and M. J. Crawford; Catoosa, A. S. Fowler; Chattahoochee, W. A. McDougald; Charlton, F. M. Smith; Chattooga, C. C. Cleghorn; Calhoun, Franklin L. Pepper; Cherokee, N. J. Perkins; Clarke, Madison Davis and A. Richardson; Clay, R. A. Turnipseed; Clayton, A. E. Cloud; Clinch, G. Lastinger; Columbia, J. M. Rice and Romulus Moore; Coffee, J. R. Smith; Coweta, F. M. Scroggins and P. Sewell; Cobb, W. D. Anderson and N. N. Gober; Colquit, W. W. Watkins; Crawford, W. G. Vinson; Dade, James C. Nisbet; Dawson, Joseph L. Perkins; Decatur, B. F. Powell and John Higdon; DeKalb, W. H. Clarke; Dooly, Hiram Williams; Dougherty, Phillip Joiner and A. R. Read; Early, H. C. Fryer; Echols, R. W. Phillips; Effingham, Morgan Rawls; Elbert, U. O. Tate; Emanuel, J. A. Brinson; Fannin, Alexander Hearn; Fayette, P. H. Brassell; Floyd, Dunlap Scott and M. Ballanger; Forsyth, H. C. Kellogg; Franklin, James A. Harrison; Fulton, E. M. Taliaferro, J. E. Gullatt, and V. P. Sisson; Gilmer, James M. Ellis; Glascock, J. H. Nunn; Glynn, R. B. Hall; Gordon, R. A. Donaldson; Greene, R. L. McWhorter and A. Colby; Gwinnett, Louis Nash and R. M. Parkes; Habersham, W. S. Erwin; Hall, David Wheelbell; Hancock, W. H. Harrison and E. Barnes; Haralson, W. N. Williams; Hart, James Allen; Harris, W. J. Hudson and Samuel Williams; Heard, M. Shackelford; Henry, J. A. Maxwell; Houston, J. W. Mathews, C. C. Duncan, and H. R. Felder; Jackson, A. T. Bennett; Jasper, T. M. Allen; Jefferson, Benjamin Ayre and Alexander Stone; Johnson, J. W. Meadows; Jones, W. T. McCullough; Laurens, George Linder; Lee, Samuel Lindsay and G. F. Page; Liberty, W. A. Golden; Lincoln, Platt Madison; Lowndes, J. W. O'Neal; Lumpkin, W. P. Price; Macon, Robert Lumpkin and F. H. Fyall; Madison, J. B. Moon; Marion, William M. Butt; McIntosh, T. G. Campbell, jr.; Merriwether, P. W. Chambers and W. H. F. Hall; Monroe, W. A. Ballard and G. H. Clowers; Miller, F. M. D. Hopkins; Milton, G. M. Hook; Mitchell, J. M. Burtz; Montgomery, John J. McArthur; Morgan, A. J. Williams and Monday Floya; Murray, J. N. Harris; Muscogee, James G. Maull and Abraham Smith; Newton A. H. Lee and John F. Harden; Oglethorpe, James W. Adkins and James Cunningham; Paulding, S. F. Strickland; Pickens, S. A. Darnell; Pierce, R. W. Carpenter; Pike, R. A. Seale; Polk, L. H. Walthall; Pulaski, J. M. Buchan and S. F. Saulter; Putnam, S. C. Purden; Quitman, L. C. A. Warren; Rabun, McKinzey Fincannon; Randolph, W. M. Tunlin and David Goff; Richmond, E. Tweedy, J. E. Bryant, and T. P. Baird; Schley, Thomas F. Rainey; Scriven, W. D. Hamilton; Spalding, J. T. Ellis; Stewart, C. C. Humber and J. K. Barnum; Sumter, G. N. Harper and John A. Cobb; Talbot, Marion Bethune and J. T. Costin; Taliaferro, W. F. Holden; Tatnall, Robert C. Surrency; Taylor, Frank Wilchar; Terrell, F. M. Harper; Thomas, J. R. Evans and W. C. Carson; Towns, George W. Johnson; Troup, J. H. Caldwell and J. T. McCormick; Twiggs, Hapwood Hughes; Union, John H. Penland; Upson, John C. Drake; Walker, W. B. Gray; Walton, John B. Sorrells; Warren, John Neal and S. Gardner; Ware, Joseph D. Smith; Washington, R. W. Flournoy and William G. Brown; Wayne, G. W. Rumph; Webster, G. S. Rosser; White, C. H. Kytle; Whitefield, J. E. Shumate; Wilcox, Darling Johnson; Wilkes, Richard Bradford and E. Belcher; Wilkinson, C. H. Hooks; Worth, James M. Rouse.

By order of Major General Meade :

R. C. DRUM,
Assistant Adjutant General.

In the enforcement of the act of December 22, 1869, two questions have presented themselves:

1st. Who is the final judge of eligibility of a member of the legislature; the member himself, the house to which he claims to be elected, or the general commanding?

2d. If any are found ineligible, is it proper that the commanding general direct the next highest person voted for to take his place, and participate in the reorganization, or if this is to be left to the houses after they are organized?

On these questions the following observations are submitted:

When at the cessation of armed resistance by the rebels, in May, 1865, the several States lately in rebellion were found, under the Constitution of the United States, to be absolutely without legal civil government, undoubtedly it devolved upon the United States, in the then status in fact of affairs, and under article 4, section 4, of the federal Constitution, to see to it that legal civil government should be re-established.

It would seem to follow as a necessary incident to this power that the United States should protect life and property until the organization was effected, provide a mode and method of organization, and superintend, by such means as should appear wise and proper, the process of organization.

In pursuance of this power, Congress, on the 2d of March, 1867, passed the original "reconstruction act," declaring that no legal civil government existed in certain States, (including the State of Georgia,) and conferring the whole government of the same upon the several commanders of the districts therein provided for, but authorizing them to make use, in their discretion, of any civil organization they might find in existence. (Sections 1-3.)

This bill also provided that until the people of said States should be admitted to representation, any civil governments which may exist therein shall be deemed provisional only, and be subject to the paramount authority of the United States. (Section 6.)

It was also provided that this act should be inoperative whenever the people of said States, after the performance of certain conditions, should be admitted to representation in Congress. (Section 5.)

The preamble to said act recites its objects to be to preserve order until legal State governments should be legally established.

Very clearly under this act the whole effective power of preserving order and superintending the process of organization, is conferred upon the general commanding the several districts provided for.

The supplemental act of March 23, 1867, is still more emphatic upon this point. The commanding general is therein authorized to appoint registers, and generally clothed with the chief superintendence of the process of organization.

The additional supplemental act of July 19, 1867, is more emphatic still, declaring in express language that the said "governments," if continued, were to be subject in all respects to the military commanders.

The commanders are declared not to be bound in their construction of the law, by the opinion of any civil officers of the United States.

It is also enacted that the several acts are to be construed liberally to the ends that the intents thereof may be fully and perfectly carried out, which intents, by the preamble to the original act, are declared to be the establishment of loyal republican State governments.

In pursuance of these acts, the military commanders have uniformly exercised, at their discretion, such powers of civil government and such

powers of superintendence over the process of organization as in their judgment was best calculated to effect the object sought by Congress, to wit, the organization of loyal State governments in accordance with the Constitution and laws of the United States.

To this end they have removed officers, suspended laws, given authoritative interpretation to laws, and generally acted as supreme arbiters of every question which presented itself, not clearly provided for by act of Congress.

General Grant, in his report as Secretary of War, November, 1867, declares that the powers of these commanders are civil as well as military, and that in their civil capacity they are independent of even the General of the Army and Secretary of War, and commends them in the following terms:

"It is but fair to the district commanders, however, to state that while they have been thus independent in their civil duties, there has not been one of them who would not yield to a positively expressed wish in regard to any matter of civil administration from either of the officers placed over them by the Constitution or acts of Congress, so long as that wish was in the direction of a proper execution of the law, for the execution of which they are alone responsible." (McPherson's Manual, 1868, p. 314.)

It would appear, therefore, to be incontestable, that by the express language of the reconstruction acts, by the practice of the generals commanding the various districts, and by the opinions of the General of the Army and the Secretary of War, that the full superintendence of the process of reconstruction, and the authoritative interpretation of the law in all doubtful questions, is in the military commanders of the several "military districts" provided for by the act March 2, 1867, and unless there be something in the peculiar status of Georgia, or in the acts of June 25, 1868, and December 22, 1869, modifying this power, under the circumstances the right of the commanding general to "investigate" the eligibility of the claimants to seats is unquestionable.

The act of June 25, 1868, recognizing the "constitution" as republican and fixing the terms in which the State should be admitted to representation, clearly contemplates (section 2) that the legislatures shall be convened by the governor elect, and not by the general commanding, and this, too, is clearly the intent of the act of December 22, 1869, and in this particular the powers of the general commanding are by both of these acts transferred to the governor.

But in neither of these acts is there any special provision as to the mode and manner in which the legislature shall organize.

In July, 1868, the several houses were separately convened, the members qualified, and the organization effected under the direction of the provisional governor, with the concurrence and advice of General Meade, no reference at all being had in the organization to the eligibility of the members under the act of June 25, 1868.

When the organization was nominally complete, the two houses notified the fact to the provisional governor, who, on the same day notified the same to General Meade, with the suggestion that various persons had been permitted to participate who were disqualified.

To this General Meade replied, in substance, that in his judgment neither house was organized until all persons disqualified under the reconstruction acts were excluded—"that ordinarily each house would be the proper judge of the qualifications of its members, but inasmuch as it was his duty, so long as the government was provisional, to see that the laws were obeyed, he would not recognize the legislature or any

of its acts until satisfactory evidence was produced to him that all persons disqualified by the reconstruction laws were deprived of seats." (General Meade's Report, page 65.)

Upon this the several houses proceeded to an investigation, and reported "that all the members of both houses were eligible."

This report being communicated to General Meade, he announced that "he had no further opposition to make to their proceeding to the business for which they were called together." (General Meade's report, pages 64 to 71.)

It will be noticed that General Meade did not at all think he had no power to interfere. His power was supreme, although he might, as he saw fit, use the civil organization or fail to use it, at his pleasure, and after he had used it he might overrule its action accordingly, as he was or was not, on the whole, satisfied that it was right.

In reference to this very matter he had, on July 6th, telegraphed to General Grant (Report, page 35) and inquired, "If, in case the legislature failed to purge itself, he had power to control the matter."

July 8, 1868, General Grant answers: "No person unable to hold office under the fourteenth amendment should be allowed to qualify. District commanders are the judges of the qualifications of civil officers until all the requirements of the different acts of Congress to complete reconstruction of the seceded States are fully complied with."

General Rawlins, chief of staff, also telegraphed a reply concluding thus:

"The reconstruction acts are to be construed liberally, to the end that all the intents thereof, to wit, the re-establishment of civil government in the States lately in rebellion, may be fully and perfectly carried out, and it would seem that persons ineligible to hold office under their provisions, should not be permitted to defeat them."

General Meade, in his dispatch of July 18, 1868, to General Grant, informing him what he had determined to do, to not regard the action of the two houses as final, says:

"My judgment, therefore, is to acquiesce in the decision of the senate (and house) and leave to Congress such action as may hereafter be deemed proper, in case the senate (and house) has failed to comply with the law;" and concludes his dispatch thus:

"What I desire to know is, whether in your judgment my duty requires me to overrule the deliberate act of the senate, and judge for myself on the qualifications of the members.

"I have no doubt of my power in the premises, but do not feel that I am called on to do more than I have done." (General Meade's Report, page 38.)

It is very apparent, therefore, that while General Meade was disposed under the circumstances to acquiesce in the decision of the two houses, he had no doubt of his power to interfere; that in fact he did not feel called on to overrule the action of the body to which he had referred it, but submitted the whole to the judgment of Congress.

The "judgment of Congress" is announced by the act of December 22, 1869.

This act has for its whole purpose the intent to repair the mistake made by Major General Meade, in permitting the very body to be purged to be made up in the first instance of those who were to be excluded by the purging process.

It is generally contended that the Congress of the United States, as a means of curing the mistake of Major General Meade, in taking as conclusive of eligibility the deliberate legislative judgment of the several

houses as political bodies, has been guilty of the absurdity of making the judgment of the very men who are charged to be ineligible, the sole criterion of eligibility.

Dissatisfied with the judgment of the body itself, and holding that not conclusive, Congress has made each member the judge of his own eligibility. What the whole body deliberately failed to do is left to be done, and that without appeal, by the very individual members whom it is charged were improperly admitted. So preposterous a conclusion ought to have very clear and positive language in the law to support it, and ought only to be arrived at when the words of the law inevitably compel such a construction.

The act of December 22 has not in it a single word limiting the power of the general commanding, save that it, as did also the act of June 25, 1868, contemplates that the legislature shall be convened by the order of the governor.

It would be a gross misconception of this law to construe it by itself. It must be read and understood in connection with the other acts upon the same subject.

Its title announces that it is an act to "promote the reconstruction of Georgia."

It assumes that the reconstruction of the State is still incomplete; that the government existing in the State is still provisional, and "subject," in the words of the act of July 19, 1867, "in all respects, to the military commander of the district" and "to the paramount authority of Congress," and is to be construed as additional and supplemental to the reconstruction acts, and not as an independent act. It leaves, therefore, the authority of the military commander precisely where the other acts placed it, except as that authority is modified by the act itself.

The oath prescribed is merely cumulative, an additional safeguard in aid of the powers of the general commanding.

It is a fundamental idea of the whole reconstruction policy, that no person shall hold office in the late rebel States who has held office and then afterward engaged in rebellion, unless he be relieved from disabilities by a two-thirds vote of Congress.

And it is trifling with that whole policy to permit, if there be any possible means to prevent it, the very first legislature, before reconstruction is complete, and while the military jurisdiction is still paramount, to be organized in defiance of that policy, with the vain hope that after the organization is complete the body, which so signally failed before, will itself purge itself of its ineligible members.

So long as the State is denied representation by Congress the power of the general commanding is complete. He may, as did General Meade, in his discretion, refer the question to the legislature, but the success of that experiment, and the subsequent action of Congress has not been such as to justify the repetition of the farce, much less to infer that such was the intent of Congress.

The act, so far from making the oath of the member conclusive, or contemplating that the question shall be left to the bodies after they are organized, when fairly considered, has directly the opposite meaning.

It provides (section 1) that the legislature shall proceed to organize "under the laws of the United States."

It provides further (section 4) that the persons so declared elected "and entitled to seats, and who shall take the oaths provided, shall," &c.

It provides (section 3) that it shall be illegal to prevent any person elected as aforesaid, who has taken one of the oaths prescribed, and otherwise complied with this act, from participating, &c.

It provides (section 6) that it shall be illegal and revolutionary to exclude any one elected as aforesaid, and otherwise qualified, from participation because of his race or color.

By section 4 it is not enough, by the very terms of the act, that he shall have been elected and taken the oaths, he must be entitled to a seat.

It is not enough, by section 5, that he shall have taken the oath, he must have otherwise complied with the provisions of the law.

It is not enough, by section 5, that he is elected, to make it illegal to exclude him from his race or color. He must be otherwise qualified.

If the taking of the oath is to be conclusive, why should the Congress also say "and be entitled to a seat," "have otherwise complied," and "he be otherwise qualified?"

It is a fair mode of consideration to assume that each word and phrase of an act has a meaning, and there can be no conceivable reason why the act should say "elected," "take the oaths," "be entitled to a seat," "and be otherwise qualified," unless it was meant that there might be cases where one has been elected and taken the oath and yet not be entitled to a seat; especially is this construction proper if it be considered that the whole necessity for the act grows out of the fact that in July, 1868, not only many individual members were sworn in who were ineligible, but a majority of the two houses determined, after (as it was said) full investigation, that there were no ineligible members in either house.

That the oath of the members is conclusive is simply absurd. It is the ordinary course of legislative bodies to inquire into the eligibility of members after they have taken the oath. The Georgia constitution requires that each member shall swear that he has not obtained his election illegally. Is that oath conclusive? May not the house investigate the facts, and if they be found otherwise, may it not declare him illegally elected? The only question there can be, under the law, is, whether the power to determine the question is not in the body itself?

Ordinarily, as General Meade and General Rawlins say, and as the practice is, this is a power in the body itself, and, without question, the commanding general might, as did General Meade, in his discretion, refer it to them. But so long as the reconstruction laws are not fully complied with, it is the right of the general commanding to see to it that the laws are complied with, and under the experience of July, 1868, and the action of Congress, it would seem that in such a question as this, so vital to the organization of the legislature, so distasteful as this rule of ineligibility has proven to the reactionary party, that its final decision ought to be neither with the member himself nor with the body which has in a former trial proven so unwilling to enforce the rule upon its members.

To permit one who is ineligible to take part in the organization of the body which is to decide his case, may not be a very great evil, but when the charge of ineligibility includes a member, it is obvious that if they be permitted to become members in fact, it will be almost impossible to unseat them.

Ordinarily there is no other method, because there is no superior power; but in the status of affairs as they exist now in Georgia, there is such a power, and an occasion plainly calling for its interference.

What is to be gained in the promotion of reconstruction by repeating the proceedings of July, 1868? With the act of Congress staring them in the face, that no person was eligible to office who had held office before the rebellion, and thereafter engaged in rebellion, these very men

deliberately took the oath of office, and a majority of each house declared them all eligible. Congress has reversed the proceedings, declared the houses not properly organized, provided for a reorganization, and it is contended that of necessity the same process of individual judgment and organized indorsement, shall be repeated, and this too, with a paramount authority looking on and seeing with its own eyes, a repetition of the sham of July, 1868, actually progressing.

So much upon the first branch of the question, the power of the general commanding to "investigate" the question of ineligibility, and to prevent the failure of the whole congressional scheme by the recklessness of those who are ready to move heaven and earth to work its discomfiture.

But there is a second question. There are from fifteen to eighteen of those declared elected by General Meade who have neglected, refused, and are doubtless unable to take the oath, and who are by express language of the law declared to be ineligible. There are from ten to fifteen more who *may* be found ineligible by the commission now sitting. The question arises, Shall the house proceed to organize with only such of its legal members as are here and have taken the oath, or shall those who received the next highest vote at the election be notified to appear, and if they are eligible, be permitted to take the oath and participate in the organization?

There can be no question that it is the law of Georgia that the votes cast at an election for one who is ineligible to the position, are not to be counted, and it is the duty of the governor who issues the commission, if he be satisfied that the highest man is ineligible, to give the commission to the next highest who is eligible.

He is declared by the code to be the person legally elected and he is entitled to the certificate of election.

The proclamation of General Meade only purports to be based upon the returns, and such was in truth the basis of the order. It is not at all based on the eligibility of the persons named, but upon the simple fact that the returns show the persons named to have received the highest vote.

Had the question of eligibility been presented to General Meade before that proclamation was made; had the board upon whose report it is founded, taken the eligibility of the persons named into consideration, perhaps the list would have been very different, since by the law of Georgia they would have been compelled to declare elected in every case where the highest was ineligible the person who was next highest, if he was eligible. Such was not, however, the course then pursued, though it was a course perfectly consonant with the law of the State.

That the general commanding may do now what might have been done then is unquestionable, unless there be something in the act of December 22, 1869, forbidding this and prescribing a different course. What is the fact?

The bill directs the governor to convene by proclamation those declared elected by General Meade's order of June 25, 1868. And it further provides that when the members "so elected," not so "declared elected," shall convene, each "member" and each and every person "claiming to be elected" shall take the oath, &c., and every person "claiming to be so elected who shall refuse, decline, neglect, or be unable to take the oath, shall not be admitted to a seat or to participate in the proceedings, but shall be "deemed ineligible to such seats."

Section 3 provides that if any person "claiming" to be elected as

aforesaid—that is, to a seat in the senate or house—shall take the oath falsely, &c.

The whole language of the bill is evidently used in reference to the code of Georgia, which declares that the second highest is the person elected, if the “highest” is ineligible, and clearly contemplates that no person ineligible, though he may claim to be “elected,” is not in fact “so elected.” It will be noticed that the words so often used in the act are not “so declared elected,” but “so elected,” or “claiming to be so elected.” The word “so” does not refer to the proclamation, but “so elected,” and claiming to be so elected, refers to the senate or house of representatives respectively, and the word “so” is used to save the frequent repetition of those words.

The persons elected to the senate and house of representatives of Georgia are, by the law of Georgia, those who got the highest vote if they are eligible; and those who got the next highest vote in cases where the highest are ineligible.

These classes, and these only, are the persons who fill the description of section 3, to wit: “The persons elected as aforesaid—that is, elected to the senate and house respectively—who shall take the oath and shall proceed in said senate and house, to which they have been elected, to reorganize the same.”

Under the laws of Georgia, nobody who is ineligible is elected. If an ineligible person gets the highest vote, he is not elected; but the next highest is.

And the peculiar language of the act of December 22, 1869, is a clear indication that it was drawn with special reference to the Georgia law, which the unseating of the negroes and the admission of the next highest as the persons elected, had brought prominently before the eyes of Congress.

That the general commanding has, by virtue of his assignment to the command to the “district” of Georgia, full powers in the premises, is, as has been shown, unquestionable; and that the act of December 22, 1869, does not, in this respect, qualify those powers, is equally clear; and there would appear to be, therefore, no good reason why the law of Georgia should not, in the discretion of the general commanding, be applied to the case.

It will close up the whole matter; it will put the new government in the hands of its friends; it will secure the fifteenth amendment; it will enable the friends of the new constitution to carry its provisions into effect in good faith, and close up rapidly and healthfully the sore, which, since 1865, has been irritating the body politic.

To secure such ends a liberal interpretation of the reconstruction acts is specifically required, and would be in accordance with the whole policy of Congress, to wit, to set the new governments afloat, under the guidance of the friends of reconstruction, and not under the control of those who have in every conceivable way tried to thwart and obstruct its success. Many of its most important provisions are, in the eyes of these enemies to it, odious in the extreme, and it is saying but little to suggest that they will not give it a fair and liberal trial. If, unfortunately, these men succeed, their past course indicates that they will be no true friends to its fundamental ideas, and a wise public policy would seem to indicate that while the hand of authority is still raised the door for revolution should be closed.

Section 121 of the code of Georgia, to which reference has been made as fixing the effect of ineligibility, is in these words; “If, at any popular election to fill any office the person elected is ineligible, under one of the foregoing rules, the person having the next highest number of votes

who is eligible, when a plurality elects, shall be declared elected and be qualified and commissioned to such office."

It will be noticed that this act applies to every popular election to fill any office, whenever a plurality elects.

At the date of the code, December 19, 1860, the governor and judges of the superior courts were required to be elected by a majority vote; all other officers were simply to be elected. So too is the constitution of 1865. The constitution of 1868, which adopts the code as the system of law, provides that the person having the majority of the whole number of votes cast, shall be declared duly elected governor. The only other officers of the State elective by the people are the members of the general assembly, county officers, and justices of the peace; these, the constitution says, shall be elected by the qualified voters, &c. The fact that of the several elections provided for, to wit: Governor, members of the legislature, county officers, and justices of the peace, only one is required to have a majority of all the votes cast, is conclusive that it was the intent that at all elections except for governor, a plurality elects.

Such has always been the understanding of the law in this State, and such was the rule adopted by General Meade in issuing the proclamation of June 25, 1868, as will abundantly appear by an examination of the returns. The law of Georgia has always required a majority in the case of the election of the "governor," and, for awhile, of judges of the superior court, but never for any other officer. Such at least has always been the practice. It is based not only on the general rules of the common law, but on the rule that, as the constitution required specially a "majority" in the cases of governor, it left other elections to be decided by a plurality vote. It is feared, therefore, that, under the law of Georgia, if the member of the legislature having the highest vote is ineligible, the person having the next highest, who is eligible, is to be declared elected and to be qualified and commissioned to such office.

Ordinarily, as I have said, the duty of investigating the eligibility of members of the legislature is with that body, and, without question, if a person nominally elected is found ineligible that body would declare the next highest elected and give him the seat.

Such was the action of the legislature in July, 1868, in the case of "Bradley," senator.

Bradley was found ineligible, by reason of having been convicted of "felony," and his seat was given to Lester, the next highest at the election.

This was done before the colored members were expelled, and on this point the action of the senate in that case was universally acquiesced in.

Indeed, there never has been in the State any doubts of the application of this law to the legislature, until the present crisis has given it birth.

If the commanding general has the power, as most unquestionably he has, to "investigate" the eligibility of a member and "decide" upon it, and exclude him, it would seem to follow (as by the ordinance he is required to issue certificates of election) that the right of the next highest immediately, to be declared elected by him, must be the inevitable consequence.

The power to investigate and decide involves the power to cause the decision to be carried into its full effect, the exclusion of the ineligible member is but a part of the effect, the full decision is not only that the ineligible person is not elected, but that the eligible one is.

A true copy:

R. P. HUGHES,
Capt. and Brevet Major U. S. A., A. D. C. and A. A. A. G.

ATLANTA, GEORGIA,
January 19, 1870.

GENERAL: Inclosed I hand you the application of William Guilford, colored, to be awarded the seat of J. C. Drake, a disqualified man, who received the highest number of votes in Upson county.

Had the election been held under civil State authority, and were the legislative organization subject to civil jurisdiction, I should most certainly issue the certificate to Guilford.

This is a sample case, similar to a number of others, and if decided in the affirmative will insure justice to the colored race through a loyal legislature.

I respectfully invite your attention to the inclosed argument in favor of such a course.

I am, general, very respectfully, your obedient servant,
RUFUS B. BULLOCK,
Provisional Governor.

MAJOR GENERAL TERRY,
Commanding District of Georgia.

HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
Atlanta, Georgia, January 19, 1870.

A true copy:

R. P. HUGHES,
Capt. and Brevet Major, U. S. A., A. D. C., and A. A. A. G.

ATLANTA, January 17, 1870.

GEORGIA, *Fulton County*:

The petition of William Guilford (colored) of the county of Upson and State aforesaid, respectfully sheweth unto your excellency that, under and by virtue of General Orders Nos. 39 and 40, issued by General Meade, dated, respectively, Atlanta, Georgia, March 14 and 15, 1868, an election was held in the county of Upson, beginning on the 20th day of April, 1868, and continuing four days, for governor, members of Congress, members of the general assembly, and other officers of this State; that, at said election, J. C. Drake and your petitioner were candidates in said county of Upson, for a seat in the house of representatives of this State; that at the time when the said election was held, the said Drake was disqualified from holding office under the acts of Congress, (see act to admit the State of North Carolina, * * Georgia, * * June 25, 1868,) and that your petitioner was qualified; that on the 25th day of June, Major General Meade issued General Orders No. 90, headquarters third military district, announcing "that from the returns made by the boards of registration of the election held as aforesaid * * it appears that * * J. C. Drake, of Upson County, * * was elected representative in the general assembly;" that the said General Meade failed and the general assembly refused to hear the application of your petitioner, showing that the said Drake, being disqualified, your petitioner was, under the laws then and now of force, the legally elected representative, and should have been awarded the seat.

Your petitioner further sheweth unto your excellency that, under the recent act of Congress dated December 22, 1869, entitled "An act to promote the reconstruction of the State of Georgia," the second section

of the said act requires one of the two oaths to be taken by the person claiming a seat in either branch of the general assembly. Said section concludes as follows: "And every person claiming to be so elected, who shall refuse or decline, or neglect or be unable to take one of said oaths or affirmations above provided, shall not be admitted to a seat in said senate or house of representatives, or to a participation in the proceedings thereof, but shall be ineligible to such seat.

Your petitioner further sheweth that said Drake has refused, declined, and neglected to take the oath required by act of Congress above mentioned, hence is ineligible to a seat in the house of representatives in this State.

Your petitioner further sheweth that, under an ordinance of the late constitutional convention of this State, as appears on page 387 of the journal of said convention, as well as by the provisions of the present constitution of this State, and said recent act of Congress, he is qualified to hold a seat in said house of representatives.

Your petitioner further sheweth that, under the fourteenth article of the Constitution of the United States, said Drake cannot hold a seat in the general assembly of this State, which has been demonstrated by his refusal to qualify as required by recent act of Congress, which enforces said fourteenth article.

Your petitioner further sheweth that, under the law of this State, as appears in section 121, Irvin's code, it is provided that, if at any popular election to fill any office, the person elected is constitutionally ineligible, the person having the next highest number of votes, who is eligible, whenever a plurality elects, shall be declared elected and be qualified and commissioned to such office.

Your petitioner further sheweth that he did, at said election in said county of Upson, receive the next highest number of votes to said Drake; and under and by virtue of the law above cited, is entitled to a seat in the house of representatives of this State, after having filed with the secretary of state the oath required by said recent act of Congress, and respectfully asks your excellency to allow him to qualify and take his seat as a member of the house of representatives of this State.

Respectfully,

WILLIAM GUILFORD.

His excellency RUFUS P. BULLOCK,
Provisional Governor of the State of Georgia.

A true copy:

R. P. HUGHES,
Captain and Brevet Major U. S. Army, A. D. C. and A. A. A. G.

ATLANTA, GEORGIA, *January 19, 1870.*

GENERAL: As chairman of the committee of members of the legislature in favor of the immediate organization of the house of representatives, I have the honor to submit for your consideration the following points and arguments which present themselves in connection with the organization of said legislature. Under the act of Congress, December 22, 1869, to promote the reconstruction of the State of Georgia, and the proclamation of the governor of the State in pursuance of said act, the persons elected to the general assembly of said State, as appears by the proclamation of George G. Meade, the general commanding the military

district, including the State of Georgia, dated June 25, 1868, have assembled at Atlanta preparatory to the organization of said legislature.

It has become necessary to ascertain clearly who may or may not lawfully participate as members elect according to said proclamation of General Meade in the organization of the two houses. The act itself limits and restricts the members to such as appear to have been elected according to said proclamation. It makes no provision for the admission of any other class of persons. Among other grave errors committed by the legislature composed of the persons named in said proclamation, was the expulsion of the colored members from both houses because of race, and the seating in their stead of other persons, on the ground of their being eligible to such vacancies under section 121 of the code of this State. This section of the code appears under the head of chapter 5, and is styled general regulations as to all officers and offices. It declares "if at any popular election to fill any office, the person elected is ineligible under the foregoing rules, (referring to previous section in regard to what shall constitute ineligibility for office,) the person having the next highest number of votes, who is eligible whenever a plurality elects, shall be declared elected, and be qualified and commissioned to such office.

It will be observed by reference to the new constitution of this State, section 4, article iii, relating to the legislative department, that "each house shall be the judge of the election return and qualification of its members." In Georgia legislation a distinction has always been preserved between members of the legislature, as a class, and public officers. The legislature being governed by the few simple constitutional rules defining its powers, whereas the officers of the law have been subjected to continual changes and requirements, at the pleasure of the law-making power.

Members of the legislature receive no commissions to authorize them to perform their duties, whereas without a commission and qualification no man can exercise a public office. It thus appearing absolutely essential to the creation of a public officer that he shall be commissioned.

Public necessity doubtless suggested to the legislature the importance of prescribing a rule to avoid vacancies in public offices without too frequent recurrence to popular elections. Until the illegal decision of the legislature in 1868, it had never been held in Georgia that in case of vacancy occurring by the ineligibility of the successful candidate, that it should be filled by the candidate receiving the next highest number of votes. The general custom being as in other States, to order a new election.

I would also suggest that neither by the code of Georgia, nor the constitution of the State, is it provided that a member of the legislature may be elected by a plurality of votes, thereby again showing a distinction between members of the legislature and public officers.

To hold that members of the legislature are subject to the provisions of said section 121, is to render nugatory the important clause of the constitution making each house the sole judge of the election returns and qualifications of its members. It will scarcely be contended that any legislative body ever thus sought to destroy its own great prerogative, or to fetter, by its enactment, its own successors. Had it attempted to do so, it would have been without constitutional warrant, and would have had no force or effect on a subsequent legislature.

It seems conclusive that forasmuch as that neither the constitution, nor the code describes members of the legislature as public officers, nor

declares them elective by a plurality of votes, that they cannot be subject to the provisions of the said section 121.

I am, very respectfully,

J. E. BRYANT,

Chairman Committee, and Republican Member of General Assembly.

Major General A. H. TERRY,

Commanding Military District of Georgia.

A true copy :

R. P. HUGHES,

Captain and Brevet Major U. S. A., A. D. C., and A. A. A. G.

[Telegram received in cipher.]

• ATLANTA, GEORGIA, *January 22, 1870.*

General W. T. SHERMAN :

This point, slightly differing from a point formerly made, is now presented : A man was elected to office before the passage of ordinance of secession, but did not qualify till afterward, and then gave aid. Is he disqualified ? It is claimed that he held office under a State of the Union.

ALFRED H. TERRY,

Brevet Major General.

[Telegram.]

ADJUTANT GENERAL'S OFFICE,

Washington, January 22, 1870.

General A. H. TERRY, *Commanding, &c., Atlanta, Georgia :*

Your dispatch of this date received. You will receive a dispatch giving opinion on subjects presented, and will see by it you are expected to use your own discretion on such points.

By command of General Sherman :

E. D. TOWNSEND,

Adjutant General.

[Telegram.]

HEADQUARTERS ARMY OF THE UNITED STATES,

Washington, January 22, 1870.

General A. H. TERRY, *Commanding, &c., Atlanta, Georgia :*

Captain Tolford arrived last night, and I sent all your papers, through the President, to the Attorney General. I have just come from a consultation with the President, Secretary of War, and Attorney General, who has examined all the papers, and has given his opinion in writing, a copy of which I send you by the wires, and another by mail. I advise you to let the legislature organize on Monday. Decide all questions as they arise, and do not depend on us here to determine absolutely the questions of doubt, for the Attorney General thinks you are the only power, other than that reserved to itself by Congress.

W. T. SHERMAN,

General.

[Telegram sent in cipher.]

HEADQUARTERS ARMY OF THE UNITED STATES,

Washington, January 22, 1870.

General A. H. TERRY, *Commanding, &c., Atlanta, Georgia:*

Opinion of the Attorney General on the point made by General Terry in his official letter of January 19, 1870.

It seems to me that the military commander in Georgia is to exercise his own best judgment upon all the questions arising in violation to the organization of the legislature of Georgia; and is not subject to the direction of any other officer. The questions are very difficult, and some of them hardly admit of a solution that can be pronounced certainly correct. I can only say that I have not been able to conclude that any other course is more probably the right one than that which General Terry indicates as the tendency of his own opinion.

I think that the admission of a person receiving the next highest number of votes to a seat, on the ground that the person receiving the highest number is ineligible, should only apply to cases where the latter were absolutely and clearly ineligible at the time of the election, so that the voter is presumed to have intended to throw away or trifle with his vote—as if, for example, he had voted for a woman when only men were competent to hold the office—but has no application to the case where the person receiving the highest number of votes fails to qualify after the election, as by refusing or neglecting to take a required official oath, or where his disabilities might be removed by Congress. The voter may vote for a man who *may* be qualified, without subjecting himself to the consequence of having his vote disregarded. But on this point, as on others, General Terry is required to exercise his own judgment.

E. R. HOAR, *Attorney General.*

W. T. SHERMAN, *General.*

[Telegram received in cipher.]

ATLANTA, GEORGIA, January 3, 1870.

General W. T. SHERMAN:

I am very sorry that I shall not be able to comply with your advice to organize to-morrow for two reasons.

A number of members not expecting so early an organization have gone home, and will not return till Tuesday. Again, board of inquiry have just made report. It is very voluminous, and I shall not be able even to read it to-day and to-night. I send this only for your information.

ALFRED H. TERRY,
Brevet Major General.

[Telegram received in cipher.]

ATLANTA, GEORGIA, January 26, 1870.

General E. D. TOWNSEND:

House organized this morning by electing McWhorter, republican candidate, as speaker. On report of board three persons were excluded as ineligible; eleven of those inquired into were pronounced eligible; sixteen who refused to take oath were declared to have become ineligible by their refusal; and one whose case was sent to the board having failed to appear, and being absent from the city was forbidden to take part in organization. After careful examination of act of December 22, I decided that the fourth section would not permit me to seat the next highest candidates in place of ineligible persons.

ALFRED H. TERRY,
Brevet Major General.

HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
Atlanta, Georgia, January 30, 1870.

GENERAL: I respectfully forward, for the information of the General of the Army, a copy of a decision made by me upon one of the points of law which have arisen during the organization of the legislature of this State. I do so in order that the general may understand the grounds upon which I have acted in regard to the subject-matter of the decision.

I have the honor to be, very respectfully, your obedient servant,
ALFRED H. TERRY,
Brevet Major General, Commanding.

ADJUTANT GENERAL OF THE ARMY,
Washington, D. C.

HEADQUARTERS MILITARY DISTRICT OF GEORGIA,
Atlanta, Georgia, January 25, 1870.

By the record of the proceedings of the board convened by General Orders No. 3, headquarters military district of Georgia, it appears that several members elect of the legislature were elected to offices created by the laws of Georgia, prior to the time when the ordinance of secession was passed, but did not take the official oath nor enter upon their official duties until after the passage of that ordinance, nor until after sundry acts of hostility against the United States had been committed under color of State authority. It is claimed on the one hand that such persons are not disqualified. On the other hand it is contended that the commencement of the rebellion must be ascertained by the President's proclamation of April 15, 1861, and that all persons who, prior to that time, held an executive or judicial office, &c., under the State, are now disqualified, if thereafter they gave aid and comfort to the enemies of the United States, &c.

On this point the following decision is made: In the oath of office prescribed by the act of Congress approved December 22, 1869, a member elect of the legislature of Georgia seeking to participate in the organization of that body is required to swear, among other things, that he never held an office under any State and thereafter gave aid or comfort to, nor held office under or gave support to any government of any kind, organized or acting in hostility to the United States.

The words "any government" in this connection manifestly include State governments acting in hostility to the United States, as well as the so-called confederate government. The fact that it does include State governments affects and furnishes a rule of interpretation for the words "never held any office under any State," and confines the construction to offices held under a state when its government was not in hostility to the government of the United States.

When did the State government of Georgia become a government organized or acting in hostility to the United States, within the meaning of the act referred to?

On the — day of — the arsenal at Augusta, within the limits of Georgia, a military establishment erected by, belonging to and occupied by the United States, was seized by an armed force acting under the executive of the State. On the 19th of January a convention of the people of the State called and organized under the provisions of an act

of the legislature thereof, passed an ordinance of secession and declared the State of Georgia an independent sovereignty.

On the 25th of January an ordinance providing for the public defense and for the raising of troops was passed—troops to be used against the United States, should it attempt to enforce its rightful authority. On the same day the convention assumed jurisdiction over all forts and arsenals within the State.

Prior to the passage of the ordinance of secession, Fort Pulaski, a sea-coast fortification at the mouth of the Savannah River, belonging to and occupied by the United States, was seized by an armed force acting under authority of the executive of the State, an act which afterward, on said 19th of January, 1861, was approved and ratified by the convention. This convention assumed to be and was, *de facto*, the supreme government, for the time being, of the State of Georgia; its decrees were respected and obeyed, not only by the people but by the executive, individual and legislative departments of the government. By the acts which have been recited, it placed itself, the people and the State government in an attitude of hostility to the United States.

If the seizure by an armed force of the strong places and military establishments of a nation, be not acts of hostility against that nation, it is difficult to see what would constitute such acts, and if such acts be done by any governmental organization, certainly that organization acts in hostility to the nation to which those places belong.

It is true that these acts were utterly illegal; they were in direct violation of the supreme law, but so were all the hostile acts of all governmental organizations in the rebel States down to the end of the war; but they had this effect, they destroyed the State governments in a legal point of view, and in the view adopted by the reconstruction acts which declared that at the time of their passage no legal governments existed in the rebel States, and they left the governments thereof, *de facto* governments, acting in hostility to the United States.

The subsequent acts of those governments, when the nation attempted to enforce its rightful authority, were but a combination of a series of hostile acts which commenced when the first breach of law was committed.

I am, therefore, of the opinion that from the time when the ordinance of secession and the ordinance providing for the raising of troops and for the seizure of the forts and arsenals were adopted, and overt acts of hostility were committed, whatever government there was in Georgia was a government acting in hostility to the United States, and that consequently those persons who, after the commission of these acts, entered upon offices created by State laws, under the construction laid down above, did not hold office "under any State," in the sense in which those words are used in the oath prescribed by the act of December 22, 1869.

ALFRED H. TERRY,
Brevet Major General.

LETTER

OF

THE SECRETARY OF THE NAVY

COMMUNICATING,

In compliance with a resolution of the Senate of the 1st instant, information in regard to officers of the navy residing permanently or temporarily in Washington City; of officers of the navy on duty in Washington at the date of the meeting of the present Congress; of officers of the navy who have been ordered to report for special duty in Washington since that date; and of officers and members of the senior class of midshipmen attached to the Naval Academy at Annapolis who have visited Washington under orders or leave of absence since the date aforesaid.

FEBRUARY 14, 1870.—Referred to the Committee on Naval Affairs and ordered to be printed.

NAVY DEPARTMENT,
February 7, 1870.

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate, dated the 1st instant, directing the Secretary of the Navy to inform the Senate—"1. The names, rank, and numbers of commissioned officers of the navy, employed on duty or otherwise, residing permanently or temporarily in Washington City at the present date; 2. The names, rank, and numbers of commissioned officers of the navy who were employed on duty in Washington at the date of meeting of the present Congress in December last; 3. The names, rank, and numbers of commissioned officers of the navy who have been ordered to report for special duty in Washington since the day of meeting of the present Congress in December last, with a list of duties to which they have been assigned; 4. How many officers and members of the senior class of midshipmen attached to the Naval Academy at Annapolis have visited Washington under orders or leave of absence since the meeting of the present Congress in December last;" and to state, in reply, that the information required, under the resolution, is herewith submitted in tabular form, marked numbers 1, 2, 3, and 4, corresponding seriatim thereto.

It may be proper to observe that in that portion of the first paragraph in regard to the permanent or temporary residence of officers in Washington, the information may not be strictly accurate. Upon these two points, "permanent," or "temporary," the department has assumed, in some cases, its judgment in the matter.

I am, sir, very respectfully, your obedient servant,

GEO. M. ROBESON,
Secretary of the Navy.

Hon. SCHUYLER COLFAX,
Vice-President, President of the Senate.

No. 1.—“The names, rank, and numbers of commissioned officers of the navy, employed on duty, or otherwise residing, permanently or temporarily, in Washington City at the present date,” together with the duties on which the officers are employed.

Names and duty assigned.	Rank.	Residents.
<i>On duty in Navy Department.</i>		
David D. Porter	Vice-Admiral	Permanent.
James W. Shirk	Commander	Permanent.
<i>Chiefs of bureaus and assistants.</i>		
M. Smith, Equipment and Recruiting	Commodore	Permanent.
C. H. Cushman, Equipment and Recruiting	Commander	Temporary.
James Alden, Navigation and Office of Detail	Commodore	Permanent.
C. H. Pendleton, Navigation and Office of Detail	Lieutenant	Temporary.
A. L. Case, Ordnance	Commodore	Permanent.
E. Simpson, Ordnance	Commander	Permanent.
D. Ammen, Yards and Docks	Captain	Permanent.
R. F. Bradford, Yards and Docks	Lieutenant Commander	Temporary.
E. T. Dunn, Provisions and Clothing	Paymaster	Temporary.
R. W. Allen, Provisions and Clothing	Paymaster	Temporary.
H. T. Stancliff, Provisions and Clothing	Passed Assistant Paymaster	Temporary.
William M. Wood, Medicine and Surgery	Surgeon	Permanent.
R. C. Dean, Medicine and Surgery	Surgeon	Temporary.
J. W. King, Steam Engineering	Chief Engineer	Temporary.
R. L. Harris, Steam Engineering	First Assistant Engineer	Permanent.
D. Smith, Draughting	First Assistant Engineer	Temporary.
F. G. McKean, Draughting	First Assistant Engineer	Temporary.
C. R. Roelker, Draughting	Second Assistant Engineer	Permanent.
John Lenthall, Construction and Repair	Naval constructor	Permanent.
Thomas Davidson, jr., Construction and Repair	Naval constructor	Temporary.
<i>Light-house Board, Treasury Department.</i>		
W. B. Shubrick, Chairman of Board	Rear-Admiral	Permanent.
C. K. Stribling, Member of Board	Rear-Admiral	Temporary.
T. A. Jenkins, Secretary of Board	Commodore	Permanent.
<i>Board of Examiners of officers for promotion.</i>		
Joseph Smith	Rear-Admiral	Permanent.
L. M. Powell	Rear-Admiral	Permanent.
Theodorus Bailey	Rear-Admiral	Permanent.
Henry K. Hoff	Rear-Admiral	Permanent.
Simon Bissell	Commodore	Permanent.
A. M. Pennock	Commodore	Temporary.
William N. Jeffers	Commander	Permanent.
T. S. Fillebrown	Commander	Permanent.
W. W. Dungan	Chief Engineer	Temporary.
<i>Board to examine physical condition of officers entitled to promotion.</i>		
D. S. Edwards	Surgeon	Permanent.
George Clymer	Surgeon	Permanent.
<i>Navy Yard, Washington.</i>		
J. A. Dahlgren, Commandant	Rear-Admiral	Permanent.
T. H. Patterson, Executive Officer	Captain	Permanent.
H. K. Davenport, Navigation Department	Captain	Permanent.
John Lee Davis, Assistant Executive	Commander	Permanent.
A. W. Weaver, Inspector of Supplies	Commander	Permanent.
J. W. Gillis, Equipment duty	Commander	Temporary.
F. M. Ramsay, Ordnance	Commander	Permanent.
R. S. Chew, Ordnance	Lieutenant Commander	Permanent.
F. M. Gunnell, Naval Hospital	Surgeon	Permanent.
J. G. Ayres, Naval Hospital	Assistant Surgeon	Temporary.
William Johnson	Surgeon	Temporary.
J. D. Murray	Paymaster	Temporary.
A. W. Russell, Inspector of Provisions, &c.	Paymaster	Permanent.
William M. Preston	Assistant Paymaster	Temporary.
William H. Shock, Inspector of machinery afloat	Chief Engineer	Temporary.
Charles H. Loring	Chief Engineer	Temporary.
George D. Emmons	First Assistant Engineer	Temporary.
George W. Sensner	First Assistant Engineer	Temporary.
Charles W. Rae	Second Assistant Engineer	Temporary.
F. A. Stratton	Civil Engineer	Temporary.
<i>General Inspector of hulls of vessels, and Port-Admiral at Washington.</i>		
L. M. Goldsborough	Rear-Admiral	Permanent.

No. 1.—“The names, rank, and numbers of commissioned officers of the navy,” &c.—Continued.

Names and duty assigned.	Rank.	Residents.
<i>To prepare plan of operations for making survey across Isthmus of Darien.</i>		
Charles H. Davis.....	Rear-Admiral.....	Temporary.
<i>Revising regulations for courts-marshal.</i>		
A. A. Harwood.....	Rear-Admiral.....	Permanent.
<i>Instruction in the use of the army general code of signals.</i>		
Samuel P. Lee, Chief Signal Officer Navy.....	Commodore.....	Permanent.
F. J. Naile, under instruction.....	Lieutenant Commander.....	Temporary.
W. W. Maclay, under instruction.....	Lieutenant Commander.....	Temporary.
W. W. Mead, under instruction.....	Lieutenant.....	Temporary.
R. M. Cutts, under instruction.....	Master.....	Permanent.
George A. Norris, under instruction.....	Master.....	Temporary.
J. D. J. Kelly, under instruction.....	Ensign.....	Temporary.
F. J. Drake, under instruction.....	Ensign.....	Temporary.
J. B. Smith, under instruction.....	Ensign.....	Temporary.
E. K. Moore, under instruction.....	Ensign.....	Temporary.
J. C. Irvine, under instruction.....	Ensign.....	Temporary.
C. W. Jarboe, under instruction.....	Ensign.....	Temporary.
H. M. Tallman, under instruction.....	Ensign.....	Temporary.
<i>Naval Observatory.</i>		
B. F. Sands, Superintendent.....	Commodore.....	Permanent.
William B. Whiting.....	Captain.....	Permanent.
Jonathan Young.....	Commander.....	Temporary.
William C. West.....	Commander.....	Permanent.
J. H. Sands.....	Lieutenant Commander.....	Permanent.
Frank Turnbull.....	Master.....	Permanent.
R. Clover.....	Ensign.....	Temporary.
Charles D. Maxwell.....	Surgeon.....	Permanent.
M. Yarnall.....	Professor.....	Permanent.
S. Newcomb.....	Professor.....	Permanent.
A. Hall.....	Professor.....	Permanent.
William Harkness.....	Professor.....	Permanent.
J. E. Nourse.....	Professor.....	Permanent.
J. R. Eastman.....	Professor.....	Permanent.
M. H. Beecher.....	Professor.....	Permanent.
<i>Hydrographic Office.</i>		
George F. Emmons, in charge.....	Commodore.....	Temporary.
R. H. Wyman.....	Captain.....	Permanent.
L. A. Beardslee.....	Commander.....	Temporary.
A. G. Kellogg.....	Lieutenant Commander.....	Temporary.
Edwin White.....	Lieutenant Commander.....	Temporary.
M. B. Buford.....	Lieutenant.....	Temporary.
L. A. Kingsley.....	Lieutenant.....	Temporary.
J. J. Brice.....	Master.....	Temporary.
R. Wainwright.....	Ensign.....	Permanent.
J. H. C. Coffin, Nautical Almanac.....	Professor.....	Permanent.
<i>Ordnance Board.</i>		
William Reynolds.....	Captain.....	Temporary.
William G. Temple.....	Commander.....	Temporary.
K. R. Breese.....	Commander.....	Temporary.
L. G. Boggs, recorder.....	Assistant Paymaster.....	Temporary.
<i>Marine rendezvous.</i>		
Edward M. Stein.....	Surgeon.....	Temporary.
<i>General inspector of provisions and clothing.</i>		
Horatio Bridge.....	Paymaster.....	Permanent.
<i>Purchasing and disbursing.</i>		
Edwin Stewart.....	Paymaster.....	Temporary.
<i>Officers unemployed, or waiting orders.</i>		
J. B. Montgomery.....	Rear-Admiral.....	Permanent.
J. H. Aulick.....	Commodore.....	Permanent.
A. D. Harrall.....	Captain.....	Temporary.
William Mitchell.....	Commander.....	Permanent.
A. H. Nelson.....	Passed Assistant Paymaster.....	Permanent.
William H. Hunt.....	Chief Engineer.....	Permanent.
George S. Bright.....	Chief Engineer.....	Permanent.

No. 2.—“*The names, rank, and numbers of commissioned officers of the navy, who were employed on duty in Washington at the date of the present Congress in December last.*”

The information called for by paragraph No. 2, quoted above, is embraced in the answer given to No. 1, being the same officers there enumerated, except that the following names, contained in No. 1, were not on duty at the date of the present meeting of Congress, viz:

Names.	Rank.	How employed.
F. J. Naile	Lieutenant commander..	Signal duty.
Edwin White	do	Hydrographic duty.
W. W. Mead	Lieutenant	Signal duty.
J. J. Brice	Master	Hydrographic duty.
J. D. J. Kelly	Ensign	Signal duty.
F. J. Drake	do	Do.
J. B. Smith	do	Do.
E. K. Moore	do	Do.
J. C. Irvine	do	Do.
C. W. Jarboe	do	Do.
H. M. Tallman	do	Do.
J. D. Murray	Paymaster	Navy yard, Washington.
G. D. Emmons	First assistant engineer.	Do.

No. 3.—“*The names, rank, and numbers of commissioned officers of the navy, who have been ordered to report for special duty in Washington since the day of meeting of the present Congress, in December last, with a list of duties to which they have been assigned.*”

Names.	Rank.	Duties to which they have been assigned.
S. W. Godon	Rear-admiral	On duty connected with his command, and returned next day.
T. O. Selfridge	Commodore	Duty connected with Bureau Equipment and Recruiting.
J. E. Jouett	Commander	Preparing forms of returns and allowances.
George Brown	do	Information connected with his late duties in Japan.
J. N. Carpenter	Paymaster	Settling accounts.
Frank Clarke	do	Do.
C. H. Lockwood	Passed assistant paymaster	Do.

No. 4.

“How many officers and members of the senior class of midshipmen attached to the Naval Academy at Annapolis have visited Washington under orders or leave of absence since the meeting of the present Congress in December last?”

None of the midshipmen of the senior class have visited Washington, to the knowledge of the department. To have done so, would have been contrary to the regulations governing the Naval Academy. The superintendent of that institution has only authority to grant leave of absence to such of the midshipmen whose presence at home may be required under extraordinary circumstances, as the death or serious illness of parents, &c.

No officers of the Naval Academy have visited Washington by leave of absence or orders from the Navy Department.

GEO. M. ROBESON,
Secretary of Navy.

LETTER
OF
THE ATTORNEY GENERAL
COMMUNICATING,

In compliance with a resolution of the Senate of February 9, 1870, information in relation to the claim of Foster Blodgett for services as postmaster at Augusta, Georgia, while excluded from discharging the duties of that office.

FEBRUARY 14, 1870.—Referred to the Committee on Post Offices and Post Roads and ordered to be printed.

ATTORNEY GENERAL'S OFFICE,
Washington, February 11, 1870.

To the Senate of the United States :

In reply to the resolution of the Senate of February 9, 1870, transmitted to me, I beg leave respectfully to say that copies of all the papers inquired for have already been transmitted to the Senate by the Postmaster General, and are now before your honorable body, to which I would refer as answering the resolution addressed to me. Those papers contain all the information in the possession of this department.

Very respectfully,

E. R. HOAR,
Attorney General.

THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION

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LETTER
OF
THE SECRETARY OF THE INTERIOR
COMMUNICATING,

In compliance with a resolution of the Senate of the 7th instant, information in relation to the value of Indian goods lost on the Missouri River above Omaha, during the last eight years, by means of the wrecking and destruction of steamboats.

FEBRUARY 14, 1870.—Ordered to lie on the table and be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 11, 1870.

SIR: I have the honor to transmit herewith, for the information of the Senate, a copy of a communication dated the 11th instant, from the Commissioner of Indian Affairs, in answer to the resolution of that body of the 7th instant, "That the Secretary of the Interior be directed to inform the Senate the value of the Indian goods, and goods forwarded by the government for the Indians, lost on the Missouri River above Omaha, during the last eight years, by reason of the wrecking and destruction of steamboats, and the number of steamboats thus wrecked and destroyed while transporting such goods."

Very respectfully, your obedient servant,

J. D. COX,
Secretary.

Hon. SCHUYLER COLFAX,
President of the Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 11, 1870.

SIR: I have the honor to acknowledge the receipt, by reference from your department, of Senate resolution of the 7th instant, directing you "to inform the Senate the value of the Indian goods, and goods forwarded by the government for the Indians, lost on the Missouri River above Omaha, during the last eight years, by reason of the wrecking and destruction of steamboats, and the number of steamboats thus wrecked and destroyed while transporting such goods."

Said resolution having been referred to this office for report, I would say that the records of this bureau show only one steamboat, transporting Indian goods, to have been wrecked on the Missouri River above Omaha, during the last eight years, namely, the "Last Chance," near

the mouth of the Niobrara River, July 22, 1867; and that the value of the Indian goods lost and damaged by reason thereof was \$6,475 52.

The resolution inclosed, with your reference, is herewith returned.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

Hon. J. D. Cox,
Secretary of the Interior.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES

COMMUNICATING,

In compliance with a resolution of the Senate, of the 9th instant, information in relation to the claim of the Central Branch of the Union Pacific Railroad Company to continue and extend its road, and to receive in aid of the construction thereof, lands and bonds from the United States.

FEBRUARY 16, 1870.—Read, referred to the Committee on Pacific Railroad and ordered to be printed.

To the Senate :

In reply to a resolution of the Senate, of the 9th instant, in relation to the Central Branch Union Pacific Railroad Company, I transmit a copy of a letter addressed to me on the 27th ultimo by the Secretary of the Interior. It contains all the information in my possession touching the action of any of the departments on the claim of that company to continue and extend its road, and to receive in aid of the construction thereof, lands and bonds from the United States.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, February 15, 1870.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 27, 1870.

SIR : The matter of the claim of the "Central Branch Union Pacific Railroad Company" to the withdrawal of lands, &c., along the Republican Fork route, in Kansas, having been several times the subject of consultation in cabinet, I deem it proper to lay before you the action of this department taken in pursuance of such consultations.

The present application is complicated by the fact that the company had presented a similar one to my predecessor before they had completed the construction of the hundred miles of road which they were authorized to build, and for which Congress had granted them original subsidy lands and bonds. It is admitted by the company that the action of Mr. Browning in refusing the withdrawal of lands in the valley of the Republican Fork was right, so long as the company had not yet reached the end of the hundred miles of their independent line which was to connect them with the Union Pacific railroad, eastern division. They have, however, denied that the action of the department then taken, deciding the question not only upon the point above stated, but also

upon the merits, was conclusive; although Mr. Browning reiterated the opinion in his annual report of 1868, when noticing the completion of the one hundred miles of their road.

The weight and ability of the professional opinions submitted by the company in their behalf justified much caution and consideration in reaching a conclusion either upon the question of the matter being already fully adjudicated by the department, or upon that of the merits of the right alleged, and I have felt it my duty to act upon the principle that I should require a very clear case to be made on both points before I could render a decision in favor of the company's claim.

Such conclusiveness of reasoning and freedom from reasonable doubt I have not been able to reach, and have therefore determined not to disturb the decision heretofore made by the department.

In declaring this conclusion it is due to the company to say, that after a full consultation with the Attorney General, both he and myself were of opinion that if the legislation of 1866 had not been adopted, by which the Union Pacific Railroad Company, eastern division, was authorized to change its route, and under which the route was actually changed from the valley of the Republican Fork to that of the Smoky Hill, the Central Branch would, upon reaching the original point of contemplated junction in the Republican Valley, have been entitled to go on with the construction of the road up that valley if the eastern division had failed to meet them there, and would have been entitled to the benefit of the provisions of section 16 of the act of July 2, 1864.

It is also due to the Central Branch Company to say, that they have filed in this department evidence tending to show that prior to the designation of the route of the eastern division up the Smoky Hill Fork, under the act of 1866, they (the Central Branch Company) had contracted for the building of their road on the originally proposed route to the Republican Fork, under the scheme or plan of junction in the latter valley.

These statements, however, bear only upon the general equity of their claim, in my judgment, and however powerful they might be as motives for legislative relief, have not controlled the view I have taken of the legal rights fixed by the legislation of 1866, and the change of route of the eastern division under that legislation, as supplementary to and extensive of that of 1864.

Very respectfully, your obedient servant,

J. D. COX,
Secretary.

The PRESIDENT.

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,
COMMUNICATING,

In compliance with a resolution of the Senate of January 24, 1870, a list of officers commissioned by the Department of State, the compensation allowed to each of said appointments, and the State from where appointed.

FEBRUARY 18, 1870.—Read, referred to the Committee on Commerce, and ordered to be printed.

To the Senate of the United States :

I transmit to the Senate, in answer to their resolution of the 24th ultimo, the report from the Secretary of State, with accompaniments.

U. S. GRANT.

WASHINGTON, February 17, 1870.

To the President :

The Secretary of State, to whom has been referred the resolution of the Senate of the 24th ultimo, directing the Secretary of State to communicate to that body "a list of all appointments the commissions for which were issued from his department, to offices the duties of which have been at any time heretofore, or are now, exercised in any of the territories belonging to the United States, or in any foreign country; and that he give, also, the amount of compensation allowed to each of said appointments, and the State from where appointed," has the honor to lay before the President the accompanying statements.

It is proper to remark that those consuls and commercial agents, who are paid by fees, are allowed to retain as compensation for their services an amount not exceeding twenty-five hundred dollars over and above the expense of office rent and clerk hire, to be approved by the Secretary of State. The amount of fees at such consulates and commercial agencies for the year 1868, so far as reports have been received, is indicated in the right hand column of the statements. The compensation of officers under the supervision of other departments is given as furnished by those departments.

Respectfully submitted.

HAMILTON FISH.

WASHINGTON, February 17, 1870.

2 OFFICERS COMMISSIONED BY STATE DEPARTMENT, ETC.

A list of officers commissioned by the Department of State and who are now in commission.

Names.	Office.	Whence appointed.	Compensation.
<i>Cabinet officers.</i>			
Hamilton Fish	Secretary of State	New York	\$8,000
George S. Boutwell	Secretary of Treasury	Massachusetts	8,000
William W. Belknap	Secretary of War	Iowa	8,000
George M. Robeson	Secretary of Navy	New Jersey	8,000
Jacob D. Cox	Secretary of Interior	Ohio	8,000
John A. J. Creswell	Postmaster General	Maryland	8,000
Ebenezer R. Hoar	Attorney General	Massachusetts	8,000
<i>Assistant Secretaries of State.</i>			
J. C. Bancroft Davis	Assistant Secretary	New York	3,500
William Hunter	Second Ass't Secretary	Rhode Island	3,500
<i>Governors and Secretaries of Territories.</i>			
J. Wilson Shaffer	Governor of Utah	Illinois	1,500
S. A. Mann	Secretary of Utah	Nevada	1,800
William A. Pile	Governor of New Mexico	Missouri	1,500
Edward L. Perkins	Secretary of New Mexico	Pennsylvania	1,800
Alvan Flanders	Governor of Wash. Ter.	Washington Ter.	1,500
James Scott	Secretary of Wash. Ter.	Ohio	1,500
Edward McCook	Governor of Colorado	Colorado	1,500
Frank Hall	Secretary of Colorado	do	1,800
John A. Burbank	Governor of Dakota	Indiana	1,500
T. M. Wilkins	Secretary of Dakota	Iowa	1,800
David W. Ballard	Governor of Idaho	Oregon	2,500
E. J. Curtis	Secretary of Idaho	Idaho	2,000
A. P. K. Safford	Governor of Arizona	Nevada	1,500
Coles Bashford	Secretary of Arizona	Arizona	1,800
James M. Ashley	Governor of Montana	Ohio	2,500
Wiley S. Scribner	Secretary of Montana	Montana	2,000
John A. Campbell	Governor of Wyoming	Ohio	2,000
Edward M. Lee	Secretary of Wyoming	Connecticut	1,800

List of officers commissioned by the Department of State and who are now in commission.

Names.	Office.	Where employed.	Whence appointed.	Compensation and fees.
DIPLOMATIC AND CONSULAR OFFICERS.				
<i>Argentine Republic.</i>				
Robert C. Kirk	Minister resident	Buenos Ayres	Ohio	\$7,500.
Dexter E. Clapp	Consul	do	New York	2,500.
B. D. Manton	do	Colonia	Rhode Island	Fees; no report.
James D. Long	do	Montevideo	Maryland	\$1,000.
S. A. Wheelwright	do	Rosario	New York	Fees; no report.
<i>Austria.</i>				
John Jay	E. E. and M. P.	Vienna	New York	\$12,000.
John F. Delaplaine	Sect'y of legation	do	do	1,800.
Chas. H. Royce	Consul	Prague	Dist. Columbia	Fees, \$2,894 50.
A. W. Thayer	do	Trieste	New York	\$2,000.
P. Sidney Post	do	Vienna	Illinois	1,500.
<i>Baden.</i>				
William H. Young	Consul.	Carlsruhe	Ohio	Fees, \$898 50.
<i>Barbary States.</i>				
John T. Robeson	Consul	Tangier	Tennessee	\$3,000.
Judah S. Levy	Commercial agent	Tetuan	do	Fees; no report.
William Porter	Consul	Tripoli	Louisiana	\$3,000.
G. H. Heap	do	Tunis	Pennsylvania	3,000.
<i>Bavaria.</i>				
Gustave Jarecki	Consul	Augsburg	Pennsylvania	Fees; \$17 25, 1 qr.
G. Henry Horstman	do	Munich	do	\$1,500.

List of officers commissioned by the Department of State, &c.—Continued.

Name.	Office.	Where employed.	Whence appointed.	Compensation and fees.
Joseph C. Brand	Consul.	Nuremberg	Ohio	Fees, \$5, 585 25.
S. M. Vail	do.	Rhenish Bavaria..	New York	Fees, 730 25.
<i>Belgium.</i>				
J. Russell Jones	Minister resident.	Brussels	Illinois	\$7, 500.
John Wilson	Consul	Antwerp	Pennsylvania ..	2, 000.
Aug. L. Chetlain	do	Brussels	Utah	Fees, \$2, 113 50.
Jacob J. Gumpfer	do	Ghent	Pennsylvania ..	Fees, 172 50.
M. Van J. Duclos	do	Ostend	Dist. Columbia..	Fees; no report.
C. W. Kleeberg	do	Verviers	Do.	Do.
<i>Bolivia.</i>				
Leopold Markbreit	Minister resident.	Cochabamba	Ohio	\$7, 500.
<i>Brazil.</i>				
Henry T. Blow	E. E. and M. P....	Rio de Janeiro....	Missouri	\$12, 000.
R. A. Edes	Consul	Bahia	Dist. Columbia..	1, 000.
Wm. H. Evans	do	Maranhã	Ohio	1, 000.
James B. Bond	do	Para	Ohio	1, 000.
Edward Burnett	Commercial agent.	Parnahiba	Ohio	Fees; no report.
S. G. Moffet	Consul	Pernambuco	Maryland	\$2, 000.
Aaron Young, jr	do	Rio Grande	Maine	1, 000.
James Monroe	do	Rio de Janeiro ..	Ohio	6, 000.
Benjamin Lindsey	do	St. Catherine's ..	Massachusetts ..	Fees, \$335 33.
<i>British Dominions.</i>				
John Lothrop Motley	E. E. and M. P....	London	Massachusetts ..	\$17, 500.
Benjamin Moran	Secretary legation.	do	Pennsylvania ..	2, 625.
H. A. Arindell	Commercial agent	Antigua	West Indies	Fees; no report.
Robert Y. Holley	Consul.	Barbadoes	Vermont	Fees; \$2, 009 58.
Thomas Brown	do	Bathurst	Bathurst	Fees; 127 50.
W. G. Wright	Commercial agent.	Bay of Islands ..	United States ..	\$1, 000.
James Rea	Consul.	Belfast	Illinois	2, 000.
Charles M. Allen	do	Bermuda	New York	Fees; \$649 24.
J. B. Gould	do	Birmingham	Maine	\$2, 500.
W. Yates Selleck	Commercial agent.	Bradford	Dist. Columbia..	Fees; \$4, 332 25.
George H. Butler	Consul general.	Calcutta	California	\$5, 000.
George Gerard	Consul	Cape Town	Pennsylvania ..	1, 000.
Harry H. Davis	do	Cardiff	do	Fees; no report.
G. W. Prescott	Commercial agent.	Ceylon	Massachusetts ..	\$1, 000.
E. P. Scammon	Consul	Charlottetown ..	Ohio	1, 500.
W. Martin Jones	do	Clifton	New York	1, 500.
Edward Vaughn	do	Coaticook	New Hampshire..	1, 500.
Thomas K. King	do	Cork	Rhode Island ..	2, 000.
P. Figyelmesy	do	Demerara	Dist. Columbia..	2, 000.
E. D. Neill	do	Dublin	Minnesota	Fees, \$1, 693 27.
James Smith	do	Dundee	Illinois	\$2, 000.
A. Fox	do	Falmouth	England	Fees, \$315 29.
Andrew C. Phillips	do	Fort Erie	Maine	\$1, 500.
E. C. Getty	do	Gaspe Basin	New York	Fees; no report.
H. J. Sprague	do	Gibraltar	Massachusetts ..	\$1, 500.
Isaak Jenkinson	do	Glasgow	Indiana	3, 000.
Thomas Allcock	do	Goderich	New York	1, 500.
M. M. Jackson	do	Halifax	Wisconsin	2, 000.
F. N. Blake	do	Hamilton	Kansas	Fees, \$4, 079 33.
D. McPherson, jr	do	Hobart Town	Tasmania	Fees; no report.
C. N. Goulding	do	Hong-Kong	Ohio	\$3, 500.
S. B. Hance	do	Kingston, Canada.	Illinois	1, 500.
James R. Wheeler	do	Kingston, Jamaica.	Massachusetts ..	2, 000.
F. S. Richards	do	Leeds	Tennessee	2, 000.
John S. Fiske	do	Leith	New York	Fees, \$4, 059 63.
Thomas H. Dudley	do	Liverpool	New Jersey	\$7, 500.
Freeman H. Morse	Consul General	London	Maine	7, 500.
Lyell T. Adams	Consul	Malta	New York	1, 500.
Charles H. Branscomb	do	Manchester	Missouri	3, 000.
David S. Pinnell	do	Melbourne	West Va.	4, 000.
William A. Dart	Consul General	Montreal	New York	4, 000.
Evan R. Jones	Consul	New Castle	Wisconsin	1, 500.
T. W. Fox	do	Plymouth	England	Fees, \$37 35.
Nicholas Pike	do	Port Louis	New York	\$2, 500.
Samuel D. Pace	do	Port Sarnia	Michigan	1, 500.
Joseph Powell	Commercial agent	Port Stanley	Tennessee	1, 000.
Clifford S. Sims	Consul	Prescott	Arkansas	1, 500.
Charles Robinson	do	Quebec	Vermont	1, 500.
D. Atwater	do	Seychelles	Connecticut	1, 500.
G. J. Abbott	do	Sheffield	Dist. of Columbia	Fees, \$3, 738 50.

List of officers commissioned by the Department of State, &c.—Continued.

Names.	Office.	Where employed.	Whence appointed.	Compensation and fees.
Henry Rider.....	Commercial agent.	Sierra Leone.....	Massachusetts ..	Fees; no report.
J. G. Jewell.....	Consul	Singapore.....	Mississippi	\$2,500.
William Thomson.....	do	Southampton	Dist. of Columbia	2,000.
Thomas Fitnam.....	do	St. Helena.....	Dist. of Columbia	Fees, \$459 95.
D. B. Warner.....	do	St. Johns, N. B.....	Ohio	Fees, \$9,874 07.
T. Molloy.....	do	St. Johns, N. F.....	New York	Fees, \$714 59.
H. H. Hall.....	Commercial agent.	Sydney	New York	Fees, \$1,293 27.
Albert D. Shaw.....	Consul	Toronto.....	New York	\$1,500.
J. S. Runnels.....	do	Tunstall	Iowa.....	1,500.
J. H. Stewart.....	do	Turks Island.....	Pennsylvania	2,000.
Allen Francis.....	do	Victoria.....	Illinois	Fees, \$1,080 05.
George W. Swift.....	do	Windsor.....	Michigan	\$1,500.
O. Malmros.....	do	Winnepeg.....	Minnesota	1,500.
Edgar Stanton.....	do	Bristol.....	Illinois.....	Fees, \$1,701 00.
E. S. Nadal.....	Asst. sec'y leg'n ..	London.....	New Jersey.....	\$2,000.
<i>Chili.</i>				
Judson Kilpatrick.....	E. E. & M. Plen'y.	Santiago.....	New Jersey.....	10,000.
Charles C. Greene.....	Consul	Coquimbo.....	Rhode Island	Fees, \$80 00.
E. D. Bruner.....	do	Talcahuano.....	Maryland.....	\$1,000.
J. C. Caldwell.....	do	Valparaiso.....	Maine.....	3,000.
<i>China.</i>				
Frederick F. Low.....	E. E. & M. Plen'y.	Peking.....	California.....	12,000.
S. Wells Williams.....	Secret'y Legation and Interpreter.	do	Massachusetts ..	5,000.
C. W. Legendre.....	Consul	Amoy.....	New York.....	3,000.
Sit Ming Cook.....	Interpreter	do	China.....	720.
B. P. Chenoweth.....	Consul	Canton.....	Virginia.....	4,000.
C. F. Preston.....	Interpreter	do	do	1,000.
Eli T. Sheppard.....	Consul	Chin Kiang.....	Ohio.....	3,000.
George W. Lurton.....	Marshal	do	do	1,000.
M. M. De Lano.....	Consul	Foo Chow.....	Colorado.....	3,500.
B. S. Lyman.....	Marshal	do	New York.....	1,000.
R. M. Johnson.....	Consul	Hankow.....	Missouri.....	3,000.
F. P. Knight.....	do	New Chwang.....	California.....	Fees, \$65 54.
E. C. Lord.....	do	Ningpo.....	New York.....	Fees, \$643 27.
George F. Seward.....	Consul general.....	Shanghai.....	do	\$4,000.
B. Jenkins.....	Interpreter	do	do	1,500.
J. C. A. Wingate.....	Consul	Swatow.....	New Hampshire.	3,500.
<i>United States of Colombia.</i>				
Stephen A. Hurlbut.....	Minister resident.	Bogota.....	Illinois.....	7,500.
Charles E. Perry.....	Consul	Aspinwall.....	New York.....	2,500.
G. C. Crane.....	do	Bogota.....	do	Fees; no report.
James M. Eder.....	do	Buenaventura.....	United States...	Fees; no report.
Aug. S. Hanabergh.....	do	Carthagena.....	New York.....	\$500.
O. M. Long.....	do	Panama.....	Illinois.....	3,500.
N. Danies.....	do	Rio Hacha.....	Rio Hacha.....	Fees; no report.
E. P. Pellet.....	Commercial agent.	Sabanilla.....	New York.....	\$500.
F. D. Garcia.....	do	Santa Martha.....	United States...	Fees, \$497 32.
<i>Costa Rica.</i>				
Jacob B. Blair.....	Minister resident.	San José.....	West Va.....	\$7,500.
<i>Danish Dominions.</i>				
George H. Yeaman.....	Minister resident.	Copenhagen.....	Kentucky.....	7,500.
C. C. Sheats.....	Consul	Elsinore.....	Alabama.....	1,500.
E. H. Perkins.....	do	Santa Cruz.....	Penna.....	1,500.
Clinton J. True.....	do	St. Thomas.....	Kentucky.....	4,000.
<i>Dominions of the Netherlands.</i>				
Hugh Ewing.....	Minister resident.	The Hague.....	Kansas.....	7,500.
Charles Mueller.....	Consul	Amsterdam.....	Ohio.....	1,000.
S. Higginson, jr.....	do	Batavia.....	Massachusetts ..	1,000.
James Faxon.....	do	Curacao.....	New York.....	Fees, \$1,336 32.
H. Sawyer.....	do	Paramaribo.....	Massachusetts ..	Fees, \$606 95.
Frederick Schutz.....	do	Rotterdam.....	New York.....	\$2,000.
Charles Rey.....	do	St. Martin.....	do	Fees, \$312 64.
<i>Ecuador.</i>				
E. Rumsey Wing.....	Minister resident.	Quito.....	Kentucky.....	\$7,500.
Charles Weile.....	Consul	Guayaquil.....	Nevada.....	750.

List of officers commissioned by the Department of State, &c.—Continued.

Names.	Office.	Where employed.	Whence appointed.	Compensation and fees.
<i>Fiji Islands.</i>				
J. M. Brower	Commercial agent.	Lanthala .....	.....	\$1, 000.
<i>French Dominions.</i>				
Ellihu B. Washburne	E. E. and M. Plen.	Paris	Illinois	17, 500.
Wickham Hoffman	Secretary legation.	do	Louisiana	2, 625.
Frank Moore	Ass't sec. legation.	Paris	New York	2, 000.
E. L. Kingsbury	Consul	Algiers	Maine	1, 500.
Charles J. Clinch	do	Bordeaux	New York	2, 000.
J. Dela Montaguie	do	Boulogne	do	1, 500.
Augustus Perrot	Commercial agent.	Gaboon	Pennsylvania	1, 000.
H. Thionville	Consul	Guadeloupe	Guadeloupe	Fees, \$598 71.
S. L. Glasgow	do	Havre	Iowa	\$6, 000.
Thomas P. Smith	do	La Rochelle	Massachusetts	1, 500.
P. J. Osterhaus	do	Lyons	Missouri	2, 000.
Milton M. Price	do	Marseilles	Iowa	2, 500.
Benjamin Gerrish, jr.	do	Nantes	New Hampshire	1, 500.
Asa O. Aldis	do	Nice	Vermont	1, 500.
J. Meredith Read, jr.	Consul general	Paris	New York	5, 000.
A. Gouverneur Gill	Consul	Reims	do	Fees, \$819 50, for 2 quarters,
J. B. Frecker	Commercial agent.	St. Pierre, Miguelon	St. Pierre	Fees, \$385 19.
C. M. F. Petard	Consul	Strasbourg	Georgia	Fees, \$1, 184 75.
<i>Friendly and Navigators' Islands.</i>				
Jonas M. Coe	Commercial agent.	Apia	California	\$1, 000.
<i>Greece.</i>				
C. K. Tuckerman	Minister resident .	Athens	New York	7, 500.
Robert P. Keep	Consul	Piraeus	Connecticut	1, 000.
<i>Guatemala.</i>				
Silas A. Hudson	Minister resident .	Guatemala	Iowa	7, 500.
Edward Uhl	Consul	do	New York	Fees; no report.
<i>Hawaiian Islands.</i>				
Henry A. Peirce	Minister resident .	Honolulu	Massachusetts	\$7, 500.
T. Adamson, jr.	Consul	do	Pennsylvania	4, 000.
H. H. Houghton	do	Lohaina	Illinois	3, 000.
<i>Hayti.</i>				
Ebenezer D. Bassett	M. R. and C. G.	Port au Prince	Pennsylvania	7, 500.
William A. Gould	Consul	Aux Cayes	New York	500.
Frederick W. Clapp	Commercial agent.	St. Mark	Massachusetts	Fees; no report.
<i>Hesse Darmstadt.</i>				
Aaron Seeley	Consul	Darmstadt	New York	Fees, \$2, 673 50.
<i>Honduras.</i>				
Henry Baxter	Minister resident .	Tegucigalpa	Pennsylvania	\$7, 500.
William C. Burchard	Consul	Comayagua and Teguicgalpa.	New York	Fees; no report.
Charles R. Follin	do	Omoa and Truxillo.	.....	\$1, 000.
<i>Italy.</i>				
George P. Marsh	E. E. and M. Pl.	Florence	Vermont	12, 000.
George W. Wurts	Secr'y of legation .	do	Pennsylvania	1, 800.
James Riley Weaver	Consul	Brindisi	West Virginia	1, 500.
F. Torrey	do	Carrara	Massachusetts	Fees, \$601.
J. Lorimer Graham, jr.	Consul general	Florence	New York	Fees, \$1, 039 75.
O. M. Spencer	Consul	Genoa	Iowa	\$1, 500.
Jay T. Howard	do	Leghorn	Pennsylvania	1, 500.
F. W. Behu	do	Messina	Kentucky	1, 500.
B. Odell Duncan	do	Naples	South Carolina	1, 500.
William M. Mayo	do	Otranto .....	.....	Fees; no report.
L. Monti	do	Palermo	Massachusetts	\$1, 500.
J. Richard	do	Ravenna	Pennsylvania	Fees; no report.
William T. Rice	do	Spezia	Massachusetts	\$1, 500.
A. Jourdan	do	Venice	Pennsylvania	750.

List of officers commissioned by the Secretary of State, &c.—Continued.

Names.	Office.	Where employed.	Whence appointed.	Compensation and fees.
<i>Japan.</i>				
C. E. De Long	Minister resident ..	Yedo	Nevada	\$7,500.
A. L. C. Portmann	Sec. Leg. and Int. ..	Yedo	New York	2,500.
E. E. Rice	Consul	Hakodadi	Maine	2,500.
Lemuel Lyon	do	Kanayawa	Oregon	3,000.
H. W. Denison	Marshal	Kanayawa	Dist. of Columbia ..	1,000 and fees.
W. H. Doyle	Interpreter	Kanayawa .....	.....	1,000.
W. P. Mangum	Consul	Nagasaki	North Carolina ..	3,000.
T. Scoot Stewart	do	Osaka and Hiogo ..	Pennsylvania ..	3,000.
Charles O. Shepard	do	Yedo	New York	3,000.
<i>Liberia.</i>				
John Seys	M. R. and C. C.	Monrovia	Ohio	4,000.
L. F. Richardson	Commercial agent ..	Grand Bassa	New York	Fees; no report.
<i>Madagascar.</i>				
J. P. Finkelmeier	Commercial agent ..	Tamatave	New Jersey	\$2,000.
<i>Mexico.</i>				
Thomas H. Nelson	E. E. and M. P.	Mexico	Indiana	12,000.
J. St. Clair Boal	Secr'y of legation ..	Mexico	Illinois	1,800.
J. A. Sutter, jr.	Commercial agent ..	Acapulco .....	.....	2,000.
M. Metcalf	Consul	Aguas Calientes ..	Michigan	Fees; no report.
Charles Moye	do	Chihuahua	Mexico	Fees, \$324 82.
Alexander Willard	do	Guaymas	California	\$1,000.
D. Turner	do	La Paz	California	Fees, \$194 37.
J. P. Greer	do	Matamoras	Kansas	\$1,000.
Isaac Sisson	Commercial agent ..	Mazatlan	New York	Fees, \$1,431 76.
R. J. y Patrullo	Consul	Merida and Sisal ..	New York	Fees; no report.
Julius A. Skilton	do	Mexico	Louisiana	\$1,000.
R. C. M. Hoyt	do	Minatitlan	New York	Fees, \$338 15.
J. Ulrich	do	Monterey	New Mexico	Fees, \$173.
L. L. Lawrence	Commercial agent ..	Ojaca .....	.....	Fees; no report.
W. Schuchardt	do	Piedras Negras ..	Texas	Fees; no report.
Julius Monreau	do	San Louis Potosi ..	Texas	Fees; no report.
F. M. de Nemegyei	Consul	Tabasco	New Jersey	\$500.
Franklin Chase	Consul general	Tampico	Maine	1,500.
S. T. Trowbridge	Consul	Vera Cruz	Illinois	3,500.
G. M. Prevost	do	Zacatecas	Mexico	Fees; no report.
<i>Muscat.</i>				
Francis R. Webb	Consul	Zanzibar	Massachusetts ..	\$1,000.
<i>Nicaragua.</i>				
Chas. N. Riotte	Minister resident ..	Leon	Texas	7,500.
B. S. Cotrell	Commercial agent ..	San Juan del Norte and Punta Arenas ..	New York	2,000.
Rufus Mead	Consul	San Juan del Sur ..	Vermont	2,000.
<i>North German Union-Prussia.</i>				
Geo. Bancroft	Envoy Extraordi- nary and Minist'r Plenipotentiary.	Berlin	New York	12,000.
Alexander Bliss	Secretary legation.	Berlin	do	1,800.
James Park	Consul	Aix-la-Chapelle ..	Indiana	2,500.
E. Hoechster	do	Barmen	Illinois	1,500.
H. Kreismann	do	Berlin	do	Fees, \$5,285.
Robert M. Hanson	do	Bremen	Ohio	\$3,000.
D. W. C. Sprague	do	Brunswick	Connecticut	Fees, \$458 75.
Henry B. Ryder	do	Chemnitz	New York	\$2,000.
O. H. Irish	do	Dresden	Nebraska	Fees, \$1,565.
Wm. P. Webster	Consul general	Frankfort	Massachusetts ..	\$3,000.
W. Colvin Brown	Consul	Geestemunde	New Jersey	Fees, \$1,348 42.
E. Robinson	do	Hamburg	Massachusetts ..	\$2,000.
M. J. Cramer	do	Leipsic	Kentucky	1,500.
H. J. Winser	do	Sonneberg	New Jersey	Fees, \$1,815.
William M. Coleman	do	Stettin	North Carolina ..	\$1,000.
<i>Papal Dominions.</i>				
D. M. Armstrong	Consul	Rome	New York	1,500.

List of officers commissioned by the Department of State, &c.—Continued.

Names.	Office.	Where employed.	Whence appointed.	Compensation and fees.
<i>Peru.</i>				
Alvin P. Hovey	Envoy Extraordinary and Minist'r Plenipotentiary.	Lima	Indiana	\$10,000.
H. M. Brent	Secretary legation.	Lima		1,500.
W. D. Farrand	Consul	Callao	California	3,500.
S. C. Montjoy	do	Lambayeque		For one quarter fees, \$192 50.
R. M. Columbus	do	Payta	New York	\$500.
E. McB. Timoney	do	Tumbez	Georgia	500.
<i>Portuguese Dominions.</i>				
Wm. Cumback	Minister resident.	Lisbon	Indiana	7,500.
J. C. Cover	Consul	Fayal	Wisconsin	750.
Charles A. Leas	do	Funchal	Maryland	1,500.
Henry S. Neal	do	Lisbon	Ohio	1,500.
Caleb Cooke	do	Mozambique	Massachusetts	Fees; no report.
James C. Fletcher	do	Oporto	Indiana	\$1,500.
A. A. Silva	Commercial agent.	St. Paul de Loando	Massachusetts	1,000.
D. L. Marsins	Consul	St. Thomé	do	Fees; no report.
<i>Russia.</i>				
Andrew G. Curtin	Envoy Extraordinary and Minist'r Plenipotentiary.	St. Petersburg	Pennsylvania	\$12,000.
Titian J. Coffee	Secretary legation.	do	do	1,800.
C. L. Smith	Commercial agent.	Amoor River	New York	1,000.
E. Brandt	Consul	Archangel	Russia	Fees; no report.
R. Freckell	do	Helsingfors	Finland	Fees; no report.
Geo. T. Allen	do	Moscow	Illinois	\$2,000.
T. C. Smith	do	Odessa	Vermont	2,000.
Eugene Schuyler	do	Revel	New York	2,000.
A. Schwartz	do	Riga	Russia	Fees; no report.
Geo. Pomutz	do	St. Petersburg	Iowa	\$2,000.
<i>Salvador.</i>				
Alfred T. A. Torbert	Minister resident.	San Salvador	Delaware	7,500.
John F. Flint	Consul	La Union	Pennsylvania	Fees, \$447 51.
E. A. Wright	do	San Salvador	do	Fees; no report.
J. Mathé	Consul	Sansonate	United States	Fees; no report.
<i>San Domingo.</i>				
Raymond H. Perry	Commercial agent.	St. Domingo	Rhode Island	\$1,590.
<i>Siam.</i>				
F. W. Partridge	Consul	Bangkok	Illinois	3,000.
N. A. McDolald	Interpreter	do		
<i>Society Islands.</i>				
F. A. Perkins	Consul	Tahiti	Connecticut	1,000.
<i>Spanish Dominions.</i>				
D. E. Sickles	Envoy Extraordinary and Minist'r Plenipotentiary.	Madrid	New York	12,000.
John Hay	Secretary legation.	do	Illinois	1,800.
William L. Giro	Consul	Alicante	Spain	Fees; no report.
Chas. A. Perkins	do	Barcelona	Connecticut	\$1,500.
L. Dahl	do	Bilbao	United States	1,500.
A. N. Duffie	do	Cadiz	New York	1,500.
C. Molina	do	Carthagena	Spain	Fees; no report.
J. Morand	do	Denia	do	For one quarter; fees, \$42 05.
A. M. Hancock	do	Malaga	Kentucky	\$1,500.
J. B. Pearson	do	Manilla	New York	Fees, \$676 19.
H. C. Hall	do	Matanzas	do	\$2,500.
James H. Whallon	do	Port Mahon	Pennsylvania	1,500.
E. Conroy	do	San Juan, P. R.	do	2,000.
L. Gallo	do	Santander		Fees; no report.
John W. Parsons	do	Santiago de Cuba	Ohio	\$2,500.
J. Cunningham	do	Seville	Spain	Fees, \$326 34.
W. H. Dabney	do	Teneriffe	Rhode Island	Fees, \$340 30.

List of officers commissioned by the Department of State, &c.—Continued.

Name.	Office.	Where employed.	Whence appointed.	Compensation and fees.
Horatio Fox	Consul	Trinidad de Cuba ..	Maine	\$2,500.
Levy H. Coit	do	Valencia	Dist. Columbia ..	1,500.
M. Barcena	do	Vigo	Spain	Fees; no report.
Thomas Biddle	Consul general	Havana	Pennsylvania	\$6,000
<i>Sweden and Norway.</i>				
C. C. Andrews	Minister resident ..	Stockholm	Minnesota	7,500.
Gerhard Gade	Consul	Christiania	Norway	Fees; no report.
F. K. Bazier	do	Gottenberg	Sweden	Fees; no report.
R. B. Dinzey	Commercial agent ..	St. Bartholomew ..	St. Thomas	Fees, \$170 16.
<i>Switzerland.</i>				
Horace Rublee	Minister resident ..	Berne	Wisconsin	\$7,500.
Henry Erni	Consul	Basel	Tennessee	2,000.
Chas. H. Upton	do	Geneva	Virginia	1,500.
S. H. M. Byres	do	Zurich	Iowa	1,500.
<i>Turkish Dominions.</i>				
E. Joy Morris	Minister resident ..	Constantinople	Pennsylvania	7,500.
John P. Brown	Secretary legation and dragoman.	do	Ohio	3,000.
Charles Hale	Consul general	Alexandria	Massachusetts ..	3,500.
J. A. Johnson	do	Beirut	Rhode Island	2,000.
H. Hillebrandt	Consul	Canea	North Carolina ..	1,000.
J. H. Goodenow	Consul general	Constantinople	Maine	3,000.
A. Thompson	Marshal	do	New York	1,000 and fees.
L. P. di' Cesnola	Consul	Cyprus	do	1,000.
A. Hartman	do	Galatza	do	Fees; no report.
R. Beardsley	do	Jerusalem	Indiana	\$1,500.
E. J. Smithers	do	Smyrna	Delaware	2,000.
<i>Venezuela.</i>				
James R. Partridge	Minister resident ..	Caracas	Maryland	7,500.
Erastus C. Pruyn	Commercial agent ..	do	New York	Fees; no report.
John Dalton	Consul	Cindad, Bolivar	do	Fees; no report.
Charles H. Loehr	do	Laguayra	Pennsylvania	\$1,500.
T. C. Jutting	do	Maracaibo	do	For one quarter; fees, \$248 20.
A. Lacombe	do	Porto Cabello	do	Fees, 612 08.
<i>Wurtemberg.</i>				
E. Klauprecht	Consul	Stuttgart	Ohio	\$1,000
<i>Consular clerks.</i>				
A. J. de Zeyk	do	Leipsic	Iowa	\$1,000.
James Hand	do	Hamburg	New Jersey	1,000.
William Heine	do	Paris	Dist. of Columbia ..	1,000.
Thomas F. Wilson	do	Montreal	Pennsylvania	1,000.
L. W. Viollier	do	Lyons	New York	1,000.
B. R. Lewis	do	Shanghai	do	1,000.
F. Olcott	do	Paris	New York	1,000 ?
A. C. Hyer	do	do	Pennsylvania	1,000.
L. M. Johnson	do	Beirut	Texas	1,000.
O. B. Bradford	do	Shanghai	Pennsylvania	do
Aug. Glaser	do	Frankfort	do	1,000.
Charles F. Thirion	do	Paris	Dist. of Columbia ..	1,000.
Joseph A. Springer	do	Havanna	Maine	1,000.
<i>Judges and arbitrators under treaty with Great Britain of April 7, 1862.</i>				
Truman Smith	Judge	New York	New York	2,500.
Benjamin Pringle	do	Cape Town	do	2,500.
George W. Palmer	do	Sierra Leone	do	2,500.
Cephas Brainerd	Arbitrator	New York	do	1,000.
William L. Avery	do	Cape Town	New Hampshire ..	2,000.
F. A. Whittlesey	do	Sierra Leone	New York	2,000.
<i>Commissioners, &c.</i>				
Wm. Henry Wadsworth	Commiss'r on the part of the United States with Mex- ico, of July 4, 1868.	do	Kentucky	Not exceeding \$4,500.

List of officers commissioned by the Department of State, &c.—Continued.

Names.	Office.	Where employed.	Whence appointed.	Compensation and fees.
<i>Commissioners, &c.—Cont.</i>				
Michel Vidal.....	Commiss'r on the part of the United States with Peru, of December 4, 1868.	.....	Louisiana.....	\$4, 500.
J. Hubley Ashton.....	Agent of the United States to carry into effect the convention between the U. S. and Mexico, of July 4, 1868.	.....	.....	Not to exceed \$4, 000.
Henry Barnard.....	Commissioner of education.	Washington.....	Connecticut.....	\$4, 000.
Horace Capron.....	Commissioner of Agriculture.	Washington.....	Illinois.....	\$4, 000.

Officers of the Treasury Department, whose commissions are issued by the Department of State.

Name.	Office.	Whence appointed.	Compensation.
William A. Richardson ..	Assistant Secretary of Treasury.....	Not known.....	\$3, 500
John F. Hartley.....	Assistant Secretary of Treasury.....	do.....	3, 500
Thomas L. Smith.....	1st Auditor of Treasury.....	New York.....	3, 000
E. B. French.....	2d Auditor of Treasury.....	Maine.....	3, 000
R. W. Clarke.....	3d Auditor of Treasury.....	Not known.....	3, 000
S. J. W. Tabor.....	4th Auditor of Treasury.....	Iowa.....	3, 000
H. D. Barron.....	5th Auditor of Treasury.....	Not known.....	3, 000
J. J. Martin.....	6th Auditor of Treasury.....	Alabama.....	3, 000
Robert W. Tayler.....	1st Comptroller of Treasury.....	Ohio.....	3, 500
John M. Brodhead.....	2d Comptroller of Treasury.....	Dis't of Columbia ..	3, 500
H. R. Hulburd.....	Comptroller of Currency.....	Not known.....	5, 000
John Allison.....	Register of Treasury.....	do.....	3, 000
John A. Graham.....	Assistant register of treasury.....	do.....	2, 000
E. C. Banfield.....	Solicitor of Treasury.....	do.....	3, 500
Nathan Sargent.....	Commissioner of Customs.....	Dis't of Columbia ..	3, 000
Columbus Delano.....	Commissioner of Internal Revenue.....	Ohio.....	6, 000
John W. Douglass.....	Deputy commissioner of internal revenue	Not known.....	3, 500
Charles H. Parsons.....	Cashier internal duties.....	do.....	
F. A. Starring.....	Agent under act of Congress to examine consular accounts.	do.....	*\$5 per day.
Francis E. Spinner.....	Treasurer of United States.....	New York.....	\$6, 500
Franklin Haven.....	Assistant treasurer, Boston.....	Massachusetts.....	5, 000
Charles J. Folger.....	Assistant treasurer and treasurer of assay office, New York.	New York.....	8, 000
George Eyster.....	Treasurer of Mint and assistant treasurer of United States at Philadelphia.	Pennsylvania.....	5, 000
James Pollock.....	Director of Mint at Philadelphia.....	Pennsylvania.....	4, 500
J. C. Booth.....	Melter and refiner of Mint at Philadelphia.	Pennsylvania.....	3, 000
William Barber.....	Engraver of Mint at Philadelphia.....	Pennsylvania.....	3, 000
A. L. Snowden.....	Chief coiner of Mint at Philadelphia.....	Pennsylvania.....	3, 000
Jacob Eckfeldt.....	Assayer of Mint at Philadelphia.....	Pennsylvania.....	3, 000
Joshua D. Giddings.....	Assistant Treasurer, Charleston, S. C....	South Carolina.....	4, 000
A. G. Edwards.....	Assistant Treasurer, St Louis, Mo.....	Missouri.....	5, 000
Leroy Tuttle.....	Assistant Treasurer, Washington D. C....	.....	2, 800
Charles Clinton.....	Treasurer of Mint, and Assistant Treasurer of U. S. at New Orleans.	Louisiana.....	5, 000
Charles M. Felton.....	Treasurer of Mint, and Assistant Treasurer of U. S. at San Francisco	California.....	6, 000
O. H. LaGrange.....	Superintendent of branch Mint at San Francisco	California.....	4, 500
O. D. Munson.....	Assayer of branch Mint at San Francisco.	California.....	3, 000
J. B. Harmstead.....	Coiner of branch Mint at San Francisco..	California.....	3, 000
Joseph P. Cochrane.....	Melter and refiner of branch Mint at San Francisco.	California.....	3, 000
Abraham Curry.....	Superintendent branch Mint, Carson City Nevada	Nevada.....	2, 000
Frank D. Hetrick.....	Assayer branch Mint Carson City Nevada.	Nevada.....	1, 800
J. P. Ringwalt.....	Melter and refiner, branch Mint, Carson City, Nevada.	Nevada.....	1, 800
C. J. Cowles.....	Assayer branch Mint, Charlotte, N. C.	North Carolina.....	1, 500
J. F. L. Schiermier.....	Assayer branch Mint, Denver, Colorado..	Colorado.....	1, 800

* In addition to his actual necessary expenses.

10 OFFICERS COMMISSIONED BY STATE DEPARTMENT, ETC.

Judicial officers in the District of Columbia whose commissions are issued by the Department of State on the requisition of the Attorney General.

Name.	Office.	Whence appointed.	Compensation.
Walbridge A. Field.....	Assistant attorney general.....	Massachusetts.....	\$4,000
Thomas H. Talbot.....	do.....	Maine.....	4,000
<i>The Supreme Court of the United States.</i>			
Salmod P. Chase.....	Chief Justice.....	Ohio.....	6,500
Samuel Nelson.....	Associate justice.....	New York.....	6,000
Nathan Clifford.....	do.....	Maine.....	6,000
Noah H. Swayne.....	do.....	Ohio.....	6,000
Samuel F. Miller.....	do.....	Iowa.....	6,000
David Davis.....	do.....	Illinois.....	6,000
Stephen J. Field.....	do.....	California.....	7,000
<i>The Court of Claims.</i>			
Joseph Casey.....	Chief justice.....	Pennsylvania.....	4,000
Edward G. Loring.....	Associate justice.....	Massachusetts.....	4,000
Samuel Milligan.....	do.....	Tennessee.....	4,000
Ebenezer Peck.....	do.....	Illinois.....	4,000
Charles C. Nott.....	do.....	New York.....	4,000
<i>The Supreme Court of the District of Columbia.</i>			
David K. Cartter.....	Chief justice.....	Ohio.....	4,500
George P. Fisher.....	Associate justice.....	Delaware.....	4,000
Abraham B. Olin.....	do.....	New York.....	4,000
Andrew Wylie.....	do.....	Virginia.....	4,000
Edward C. Carrington.....	District attorney.....	Dist. of Columbia.....	\$200 and fees.
Alexander Sharp.....	Marshal.....	Virginia.....	Fees.

Officers in the Territories whose commissions are issued by the Department of State on the requisition of the Attorney General.

Name.	Office.	Whence appointed.	Compensation.
Joseph G. Palen.....	Chief justice, New Mexico Territory..	New York.....	\$2,500
Hezekiah S. Johnson.....	Associate justice, New Mexico Ter....	New Mexico Ter....	2,500
S. B. Elkins.....	United States attorney, N. Mex. Ter....	New Mexico Ter....	*250
John Pratt.....	United States marshal, N. Mex. Ter....	Kansas.....	*200
Charles C. Wilson.....	Chief justice, Utah Territory.....	Illinois.....	3,500
Obed. F. Strickland.....	Associate justice, Utah Territory.....	Utah Territory.....	3,500
Cyrus M. Hawley.....	Associate justice, Utah Territory.....	Illinois.....	3,500
Charles H. Hemstead.....	United States Attorney, Utah Ter....	Pennsylvania.....	*250
B. F. Dennison.....	Chief justice, Washington Territory...	Washington Ter....	2,500
James K. Kennedy.....	Associate justice, Washington Ter....	Washington Ter....	2,500
Orange Jacobs.....	Associate justice, Washington Ter....	Oregon.....	2,500
Leander Holmes.....	United States attorney, Wash. Ter....	Washington Ter....	*250
Philip Ritz.....	United States marshal, Wash. Ter....	Washington Ter....	*200
Moses Hallett.....	Chief justice, Colorado Territory.....	Colorado Territory..	2,500
W. R. Gorsline.....	Associate justice, Colorado Territory..	Colorado Territory..	2,500
C. S. Eyster.....	Associate justice, Colorado Territory..	Pennsylvania.....	2,500
Henry C. Thatcher.....	United States attorney, Col. Ter.....	Colorado Territory..	*250
M. A. Shaffenburg.....	United States marshal, Col. Ter.....	Colorado Territory..	*200
George W. French.....	Chief justice, Dakota Territory.....	Maine.....	2,500
J. P. Kidder.....	Associate justice, Dakota Territory...	Dakota Territory...	2,500
W. W. Brookings.....	Associate justice, Dakota Territory...	Dakota Territory...	2,500
Warren Cowles.....	United States attorney, Dakota Ter....	Pennsylvania.....	*250
L. H. Litchfield.....	United States marshal, Dakota Ter....	Dakota Territory...	*200
William F. Turner.....	Chief justice, Arizona Territory.....	Pennsylvania.....	2,500
John Titus.....	Associate justice, Arizona Territory..	Pennsylvania.....	2,500
Isham Reavis.....	Associate justice, Arizona Territory..	Nebraska.....	2,500
C. W. C. Rowell.....	United States attorney, Arizona Ter..	Arizona Territory..	*250
Edward Phelps.....	United States marshal, Arizona Ter....	Arizona Territory..	*200
David Noggle.....	Chief justice, Idaho Territory.....	Wisconsin.....	3,500
J. R. Lewis.....	Associate justice, Idaho Territory.....	Iowa.....	3,500
Milton Kelley.....	Associate justice, Idaho Territory.....	Idaho Territory.....	3,500
Joseph W. Huston.....	United States attorney, Idaho Ter....	Michigan.....	*250
Henry W. Moulton.....	United States marshal, Idaho Ter....	Massachusetts.....	*200
Henry L. Warren.....	Chief justice, Montana Territory.....	Illinois.....	3,500
George G. Symes.....	Associate justice, Montana Territory..	Kentucky.....	3,500

* And fees.

Officers in the Territories whose commissions are issued, &c.—Continued.

Name.	Office.	Whence appointed.	Compensation.
Hiram Knowles.....	Associate justice, Montana Territory..	Iowa	\$3, 500
Henry N. Blake.....	United States attorney, Montana Ter..	Montana Territory..	*250
William F. Wheeler.....	United States marshal, Montana Ter..	Ohio	*200
John H. Howe.....	Chief justice, Wyoming Territory.....	Illinois	2, 500
William T. Jones.....	Associate justice, Wyoming Territory..	Indiana.....	2, 500
John W. Kingman.....	Associate justice, Wyoming Territory..	New Hampshire....	2, 500
Joseph M. Carey.....	United States attorney, Wyoming Ter..	Pennsylvania.....	*250
Church Howe.....	United States marshal, Wyoming Ter..	Massachusetts.....	*200

* And fees.

List of Justices of the peace for the County of Washington, District of Columbia, whose commissions are issued by the Department of State on the requisition of the Attorney General.

Name.	Whence appointed.	Compensation.
D. W. Anderson	District of Columbia	Fees.
Matthias V. Buckey	do.....	Do.
Edgar H. Bates	do.....	Do.
Frederick A. Boswell	do.....	Do.
Zack. B. Brooke	do.....	Do.
William J. Brock	do.....	Do.
Thomas C. Connolly	do.....	Do.
Michael P. Callan	do.....	Do.
E. M. Chapin	do.....	Do.
John T. C. Clark	do.....	Do.
William H. Craig	do.....	Do.
John C. Cox	do.....	Do.
E. L. Corbin	do.....	Do.
John F. Cook	do.....	Do.
William H. Chase	do.....	Do.
James Donaldson	do.....	Do.
Terence Drury	do.....	Do.
F. R. Dorsett	do.....	Do.
James C. Dulin	do.....	Do.
William H. Frazier	do.....	Do.
John S. Gallaher	do.....	Do.
T. J. Gardner	do.....	Do.
John H. Goddard	do.....	Do.
J. Mason Gozler	do.....	Do.
Alexander Garden	do.....	Do.
Hilman A. Hall	do.....	Do.
Edward G. Handy	do.....	Do.
William C. Harper	do.....	Do.
Richard A. Hyde	do.....	Do.
Amos Hunt	do.....	Do.
Arnold B. Johnson	do.....	Do.
James A. Kennedy	do.....	Do.
Leonard Kean	do.....	Do.
Edwin J. Klopfer	do.....	Do.
James Lawrence	do.....	Do.
James Lynch	do.....	Do.
William Martin	do.....	Do.
Richard Marsh	do.....	Do.
Samuel C. Mills	do.....	Do.
Horatio R. Maryman	do.....	Do.
Richard B. Nixon	do.....	Do.
Joseph T. K. Plant	do.....	Do.
Samuel W. Pearson	do.....	Do.
David R. Smith	do.....	Do.
Arthur Shepherd	do.....	Do.
Ernest L. Schmidt	do.....	Do.
William Thompson	do.....	Do.
William W. Tucker	do.....	Do.
Charles Walter	do.....	Do.
Charles P. Wannall	do.....	Do.
Charles P. Webster	do.....	Do.
Robert White	do.....	Do.
O. S. B. Wall	do.....	Do.
Erastus C. Weaver	do.....	Do.

12 OFFICERS COMMISSIONED BY STATE DEPARTMENT, ETC.

List of members of the Levy Court of the County of Washington, District of Columbia.

Names.	Whence appointed.	Compensation.
Charles R. Belt.....	County of Washington, D. C ..	} \$4 per diem for attendance on monthly meetings.
DeVere Burr.....	do.....	
Samuel P. Brown.....	do.....	
Alexander Garden	do.....	
Charles H. Nichols	do.....	
George H. Plant.....	City of Washington, D. C.....	
Alexander R. Shepherd	do.....	
John A. Rowland.....	do.....	
William H. Tenney	Georgetown, D. C	

Officers of the Post Office Department in the Territories of the United States and the District of Columbia, whose commissions are issued by the Department of State upon requisition of the Postmaster General.

Names.	Office.	Where employed.	Whence appointed.	Salary.
J. W. Marshall	First Assistant Postmaster General.	Washington, D. C	New Jersey...	\$3,500
G. A. Smith.....	Second Assistant Postmaster General.	do	Illinois.....	3,500
W. H. H. Terrell	Third Assistant Postmaster General.	do	Indiana	3,500
James D. Wood.....	Postmaster.	Central City, Col.....	Colorado Ter..	4,000
H. P. Bennett.....	do.....	Denver City, Col.....	do	4,000
H. M. Orahoad.....	do.....	Black Hawk Point, Col	do	1,300
John Cree	do.....	Georgetown, Col	do	1,300
Thomas E. Logan.....	do.....	Boise City, Idaho	Idaho Ter.....	1,800
J. A. Pinney.....	do.....	Idaho City, Idaho	do	2,100
H. L. Hosmer.....	do.....	Virginia City, Mont	Montana Ter..	2,000
S. H. Crounse.....	do.....	Helena, Mont	do	3,800
John H. Moore.....	do.....	Salt Lake City, Utah.....	Utah Ter	3,200
George W. Howland.....	do.....	Santa Fé, N. Mex.....	N. Mex. Ter ..	1,900
J. M. Edmunds	do.....	Washington, D. C	Dist. Col.....	4,000
George Hill, jr.....	do.....	Georgetown, D. C.....	do	2,500

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate of the 8th instant, information in relation to the appropriations heretofore made to provide for the defense of certain suits now pending in the Court of Claims, known as the cotton cases.

FEBRUARY 18, 1870.—Read, ordered to lie on the table and be printed.

To the Senate of the United States:

In response to the resolution of the Senate of the 8th instant, asking "how much of the appropriations heretofore made, amounting to one hundred thousand dollars, to provide for the defense of certain suits now pending in the Court of Claims, known as the cotton cases, have been expended, and to whom the same has been paid, for what services rendered, and the amount paid to each of said persons, and also the number of clerks in the Treasury Department, and other persons, with their names, engaged or occupied in the defense of said suits, I herewith transmit the report of the Secretary of the Treasury, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION,
February 16, 1870.

TREASURY DEPARTMENT,
February 15, 1870.

SIR: I have the honor to acknowledge the receipt from you of a resolution of inquiry, adopted in the Senate of the United States, February 8, 1870, in the following words, to which you desire me to prepare a reply:

Resolved, That the President be requested to inform the Senate, if not in his opinion incompatible with the public interests, at his earliest convenience, how much of the appropriations heretofore made, amounting to one hundred thousand dollars, to provide for the defense of certain suits now pending in the Court of Claims, known as the cotton cases, have been expended, and that he state to whom the same has been paid, for what services rendered, and the amount paid to each of such persons, with their names, engaged or occupied in the defense of said suits.

The joint resolution of March 30, 1868, No. 25, page 251, vol. 15, Statutes at Large, sec. 3, appropriates seventy-five thousand dollars of the proceeds of sales of captured and abandoned property "for the payment of the necessary expenses incurred by or under the authority of the Secretary of the Treasury for incidental expenses in acting under the laws respecting the collection and disposition of captured and abandoned

property, and for the necessary expenses of defending, in the discretion of the Secretary of the Treasury, such suits as have been brought against him or his agents in the premises, and for prosecuting suits in the United States for the recovery of such property, and for providing for the defense of the United States against suits for or in respect to such property in the Court of Claims."

The deficiency bill, approved April 10, 1869, forty-first Congress, sess. I, chap. 15, appropriates twenty-five thousand dollars (\$25,000) "for the payment of the necessary expenses incurred in defending suits against the Secretary of the Treasury or his agents for the seizure of captured and abandoned property in the late insurrectionary districts, and for the defense of the United States against suits for and in respect to such property in the Court of Claims."

The schedule hereto annexed shows the payments made under each item of the two appropriations, together with the names of the persons who received the moneys.

The following persons are now employed by this department on regular salary, paid out of the above-named appropriations, in accordance with the discretionary power therein given to the Secretary:

Hon. Robert S. Hale, special counsel; Oliver S. Lovell, assistant special counsel; Samuel Ames, assistant special counsel. William Fessenden, clerk, receiving his salary in the Treasury Department, has been detailed to procure evidence in the cotton cases in New Orleans and the vicinity, receiving only his expenses from the moneys of the appropriations referred to.

The following are clerks employed in the Captured and Abandoned Property Division of my office, not paid from the above appropriations, but who, in addition to attending to the ordinary business of that branch, are often occupied in searching for and furnishing to the special counsel evidence to defeat unjust claims, found in the voluminous records forwarded by special agents during the war or among the papers captured from the rebels at its close, and in preparing answers to requests for information and rules from the Court of Claims:

George S. Parker, clerk, chief of division; M. L. Noerr, clerk; J. J. Suman, clerk; Edward Hayes, clerk and stenographer.

With great respect, your obedient servant,

GEO. S. BOUTWELL,

Secretary of the Treasury.

The PRESIDENT.

SCHEDULE OF PAYMENTS.

Expenses of collecting captured and abandoned property.

To the following agents to balance accounts:

R. S. Hart, Natchez, Mississippi.....	\$1, 135 15
V. Spalding, Atlanta, Georgia.....	507 93
S. Silsbee, Natchez, Mississippi.....	600 00
G. W. Dent, Galveston, Texas.....	93 01
R. G. Curtis, Shreveport, Louisiana.....	111 40
J. E. Tewell, New Orleans, Louisiana.....	614 47
M. M. Bane, Nashville, Tennessee.....	354 00
J. F. Richardson, Natchez, Mississippi.....	67 23

And to—

J. Bradley & Co., shipping charges.....	1, 602 00
S. E. Gough, clerk, extra service.....	150 00

5, 235 19

Expenses of defending Secretary and his agents.

Hon. C. D. Drake, (Elgee case).....	\$5,000 00
Hon. C. Cushing, (trespass cases).....	2,180 00
H. Johnston, Columbus, Mississippi, reimbursement of legal expenses.....	6,600 00
J. S. Whitaker, New Orleans, (Tweed case).....	500 00
David Stewart, New Orleans, (Tweed case).....	500 00
M. L. Block, New Orleans, (sundry cases).....	162 20
	14,942 20

Expenses of prosecuting suits, &c.

W. B. Burnett, New York, (Stevenson case).....	\$770 05
Wm. Fessenden, (Stevenson case).....	438 26
H. B. Titus, Memphis, Tennessee, (Decatur case).....	871 40
L. B. Brasher, Memphis, Tennessee, (Decatur case).....	5,517 08
W. E. Chandler, Washington, (Decatur case).....	55 21
J. McEnery, Monroe, Louisiana, (Decatur case).....	500 00
W. R. Hardy, Monroe, Louisiana, (Decatur case).....	570 00
Haynes & Stockton, Memphis, Tennessee, (Decatur case).....	500 00
	9,222 00

Expenses of defending suits in Court of Claims.

Hon. R. S. Hale, special counsel, services and expenses.....	\$16,349 10
J. B. Kerr, assistant special counsel, services and expenses.....	4,936 80
O. S. Lovell, assistant special counsel, services and expenses.....	7,888 33
Wm. Fessenden, special attorney, expenses.....	5,123 36
E. Hayes, stenographer, expenses at Charleston.....	1,300 83
S. H. Huntington, clerk Court of Claims, reimbursement of expenses.....	1,000 00
Henry Moreau, France, opinion on French law affecting aliens.....	1,477 71

And the following persons for services and expenses in examination and cross-examination of witnesses in suits pending in the Court of Claims for captured or abandoned property:

L. J. Glenn & Son, Atlanta, Georgia.....	3,063 00
W. D. Walter, Charleston, South Carolina.....	205 00
D. T. Corbin, Charleston, South Carolina.....	1,258 70
H. Stockbridge, Baltimore, Maryland.....	15 00
G. Denison, St. Louis, Missouri.....	797 95
G. S. Parker, New York.....	92 80
D. Urban, New Orleans.....	259 10
G. A. Pearré, Cumberland, Maryland.....	60 00
S. Huntington, New York.....	238 45
A. W. Stone, Savannah, Georgia.....	61 32
H. F. McDowell, Vicksburg, Mississippi.....	121 60
C. S. Rice, New Orleans, Louisiana.....	110 00
Sam'l Levy, Savannah, Georgia.....	6 65
J. B. Costa, Austin, Texas.....	60 00
F. A. Dockray, Jacksonville, Florida.....	210 50
S. B. Gookins, Chicago, Illinois.....	40 00
G. S. Hale, Boston, Massachusetts.....	60 00
J. M. Hobson, Greensboro, Alabama.....	51 50
Alex. Johnston, Dayton, Ohio.....	123 00
R. H. M. Mills, Selma, Alabama.....	20 00
James Bond, Mobile, Alabama.....	240 00
L. Lindsey, Natchez, Mississippi.....	144 40
Frank Eno, St. Louis, Missouri.....	17 11
L. F. Downing, Columbus, Georgia.....	20 00
Sam'l Hunter, Macon, Georgia.....	20 00
Adam & Speed, Vicksburg, Mississippi.....	2,906 70
Lewis & Tate, Huntsville, Alabama.....	773 40
G. G. Adam, Vicksburg, Mississippi.....	510 00
J. McCants, Monticello, Florida.....	328 50
Churchill & Woodbury, New York.....	394 39
F. H. Churchill, Charleston, South Carolina.....	1,503 50
J. O. Churchill, Van Buren, Arkansas.....	9 10

C. H. Woodbury, New York.....	\$65 99
Fred. Parsons, Natchez, Mississippi.....	936 50
J. S. Morris, Port Gibson, Mississippi.....	1,158 00
J. C. Febles, Memphis, Tennessee.....	705 00
Bell & Carleton, Pine Bluff, Arkansas.....	410 00
Hitchcock & Lubke, St. Louis, Missouri.....	280 00
Lyon, DeGraffenreid & Irvin, Macon, Georgia.....	252 60
Williams & Thompson, Chicago, Illinois.....	80 00
F. H. Smith, Savannah, Georgia.....	215 05
W. J. Whaley, Charleston, South Carolina.....	170 00
E. J. McGarr, Vicksburg, Mississippi.....	267 50
Harry Smith, Greenville, Mississippi.....	91 90
J. L. & J. H. Buck, Lockport, New York.....	40 00
Wm. Currell, Yorkville, South Carolina.....	112 50
Alex. McKinstry, Mobile, Alabama.....	100 00
James Schouler, Boston, Massachusetts.....	20 00
Wm. Wallace, Indianapolis, Indiana.....	20 00
A. W. Smith, Huntsville, Alabama.....	21 80
A. T. Morgan, Yazoo, Mississippi.....	100 00
W. H. Bolton, Greenville, Mississippi.....	1,056 00
Adam Empie, Wilmington, North Carolina.....	150 00
Bradley & Peabody, Nashville, Tennessee.....	208 50
J. B. Ogden, Van Buren, Arkansas.....	60 00
J. J. Garrett, Greensboro, Alabama.....	79 00
Henry Jones, Augusta, Georgia.....	80 00
Sam'l Ames, Georgia and Alabama.....	1,039 65
L. W. Perce, Natchez, Mississippi.....	100 00
John Milledge, Augusta, Georgia.....	221 00
A. S. Bradley, Nashville, Tennessee.....	60 00
D. S. Walker, Tallahassee, Florida.....	0 00
J. J. Smith, Port Gibson, Mississippi.....	34 50
J. S. Hurley, Wapello, Iowa.....	20 00
Henry Greenfield, New York.....	13 34
J. B. Wolfe, Dublin, Georgia.....	20 00
G. M. T. Ware, Blackshear, Georgia.....	60 00
A. P. Wright, Thomasville, Georgia.....	40 00
W. P. Wells, Detroit, Michigan.....	68 00
J. S. C. Boal, Lacon, Illinois.....	89 90
W. G. Dickson, Savannah, Georgia.....	22 00
S. D. Dickson, Savannah, Georgia.....	100 00
Dillin Jordan, Pensacola, Florida.....	60 00
R. F. Lehman, Newbern, North Carolina.....	215 00
M. S. Prichard, Janesville, Wisconsin.....	154 60
H. B. Titus, Memphis, Tennessee.....	57 00
S. Mathews, Cincinnati, Ohio.....	10 00
William Elliott, Beaufort, South Carolina.....	110 00
S. C. Upshaw, Brenham Texas.....	60 00
Daniel Pittman, Atlanta, Georgia.....	53 90
W. R. Trigg, Greenville, Mississippi.....	182 20
T. C. Lyon, Columbus, Mississippi.....	251 95
	61,661 18

RECAPITULATION.

Expenses collecting captured and abandoned property.....	\$5,235 19
Expenses defending Secretary and agents.....	14,942 20
Expenses prosecuting suits for captured and abandoned property.....	9,222 00
Expenses defending suits in Court of Claims.....	61,661 18
Total expenditures.....	91,060 57
Balance of appropriations unexpended.....	8,939 43
Aggregate amount of appropriations.....	100,000 00

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES

COMMUNICATING,

In compliance with a resolution of the Senate of the 19th instant, information in relation to the enforcement or attempt to enforce the payment of taxes by Cherokees on products manufactured in the Cherokee nation and sold within the Indian Territory.

FEBRUARY 28, 1870.—Read, ordered to lie on the table and be printed.

To the Senate of the United States :

In answer to the resolution of the Senate of the 19th instant, requesting to be informed "if any officer of the government has, contrary to the tenth article of the treaty of July 19, 1866, with the Cherokee nation, enforced or sought to enforce the payment of taxes by Cherokees on products manufactured in the Cherokee nation and sold within the Indian Territory," I transmit a report from the Secretary of the Treasury, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION, *February 28, 1870.*

IN THE SENATE OF THE UNITED STATES,
February 19, 1870.

Resolved by the Senate of the United States, That the President be, and he is hereby, requested to inform the Senate if any officer of the government has, contrary to the tenth article of the treaty of July 19, 1866, with the Cherokee nation, enforced or sought to enforce the payment of taxes by Cherokees on products manufactured in the Cherokee nation, and sold within the Indian Territory.

Attest:

GEO. C. GORHAM, *Secretary.*

[Indorsement.]

TREASURY DEPARTMENT, *February 21, 1870.*

Respectfully referred to the Commissioner of Internal Revenue for attention, and return of this resolution to me, together with his report.
W. H. WEST, *Chief Clerk.*

Answered February 24, 1870.

J. G. W.

TREASURY DEPARTMENT, *February 24, 1870.*

SIR: In reply to the resolution of the Senate of the United States, dated the 19th instant, which was referred by the President to me on the 21st instant, I have the honor to transmit herewith a communication, of this date, from the Commissioner of Internal Revenue, which contains all the information in the possession of this department touching the enforcement, or attempt at enforcement, of the payment of taxes by Cherokees on products manufactured in the Cherokee nation and sold within the Indian Territory.

The resolution is herewith respectfully returned.

I am, very respectfully,

GEO. S. BOUTWELL,
Secretary of the Treasury.

The PRESIDENT.

TREASURY DEPARTMENT,
Office of Internal Revenue, February 24, 1870.

SIR: In answer to the annexed resolution of the Senate of the United States, which was referred to this office on the 21st of February, 1870, as appears by indorsement thereon, I have the honor to state that it has been ascertained that tobacco manufactories have been established in the Cherokee country at several points close to the lines of the States of Kansas and Arkansas, and that extensive frauds upon the revenue have been practiced by parties who carried into that country and manufactured at those factories tobacco produced in Missouri and other States, and that this business is chiefly carried on by white men who are not citizens of the Cherokee country.

It has been held by this office that not only the manufacture of tobacco thus fraudulently carried into the Indian country, but the manufacture of tobacco therein produced, came within the terms and meaning of section 107 of the act of 20th of July, 1868, which is in the following words:

SECTION 107. *And be it further enacted,* That the internal revenue laws imposing taxes on distilled spirits, fermented liquors, tobacco, snuff, and cigars, shall be held and construed to extend to such articles produced anywhere within the exterior boundaries of the United States, whether the same shall be within a collection district or not.

I have deemed it my duty, in obedience to this positive requirement by Congress, to collect on all tobacco manufactured in the Cherokee country, wherever the same may be produced or sold, the taxes imposed by the act of 20th July, 1868. The means for doing so have been devised under the authority given to the Commissioner of Internal Revenue by section 103 of the same act, which is in the following words:

SECTION 103. *And be it further enacted,* That when any tax is imposed, and the mode or time of assessment or collection is not provided for, the same shall be established by regulation of the Commissioner of Internal Revenue, and the Commissioner is authorized to make all such regulations not otherwise provided for as may become necessary by reason of any change of law in relation to internal revenue made by this act.

Very respectfully,

C. DELANO,
Commissioner.

Hon. GEO. S. BOUTWELL,
Secretary of the Treasury.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES

COMMUNICATING,

In compliance with a resolution of the Senate of the 11th instant, information concerning the recent engagement of Brevet Colonel Baker, United States Army, with the Piegan Indians in Montana.

FEBRUARY 19, 1870.—Read, ordered to lie on the table and be printed.

To the Senate of the United States :

In reply to the resolution of the Senate of the 11th instant, requesting "any information which may have been received by the government of the recently reported engagement of Colonel Baker with the Indians, with copies of all orders which led to the same," I transmit a report from the Secretary of War, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION, *February 19, 1870.*

WAR DEPARTMENT, *February 18, 1870.*

The Secretary of War, to whom was referred the resolution of the Senate of the United States, dated February 11, 1870, has the honor to submit to the President all the information in his possession concerning the recent engagement of Brevet Colonel Baker, United States Army, with the Piegan Indians in Montana, with copies of the orders which led to the said engagement.

WM. W. BELKNAP,
Secretary of War.

IN THE SENATE OF THE UNITED STATES,
February 11, 1870.

Resolved, That the President be requested to transmit to the Senate any information which may have been received by the government of the recently reported engagement of Colonel Baker with the Indians, with copies of all orders which led to the same.

Attest :

GEO. C. GORHAM,
Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., August 17, 1869.

SIR: I have the honor to transmit herewith a copy of a letter dated the 16th instant, from the Commissioner of Indian Affairs, and accompanying copy of a communication to him from General Alfred Sully, superintendent of Indian affairs for the Territory of Montana, in relation to Indian affairs in said Territory, and respectfully request that the recommendations of the Commissioner may receive the favorable consideration of the Secretary of War.

Very respectfully, your obedient servant,

W. T. OTTO,
Acting Secretary.

Hon. SECRETARY OF WAR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., August 16, 1869.

SIR: I have the honor to transmit herewith copy of communication just received from General A. Sully, superintendent of Indian affairs for Montana, which I respectfully request be submitted for the consideration and action of the War Department. I may add that, upon information received from other sources, I regard the apprehensions entertained by General Sully as well founded. A considerable number of the Sioux are still roaming and hostile, coming in only occasionally to the settlements of the located Indians on the Missouri, and almost always boasting of their continued hostility, besides committing acts of lawlessness, which, because we cannot punish, we must endure. These Indians roam far into Montana, and will lose no opportunity to commit acts of hostility upon the remote and exposed settlements.

There is also serious danger to be looked for from the local Indians of Montana.

The Crows have a treaty which embodies a stipulation for feeding them specific quantities of food for a certain length of time. Congress, however, neglected to make any appropriation to carry this stipulation into effect, and the Indians are consequently disappointed and dissatisfied.

They regard it as a breach of faith and a just cause for a general war. The same may be said of the Piegans, Bloods, and Blackfeet, with some of whom the citizens have already come in conflict even in the streets of Benton.

I regard it therefore of great importance that every precautionary measure should be taken to guard against an outbreak, and I heartily indorse General Sully's views and recommendations, and trust that favorable action may be taken by the War Department on his letter.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

Hon. WILLIAM T. OTTO,
Acting Secretary of the Interior.

HELENA, MONTANA TERRITORY,
August 3, 1869.

SIR : I feel it my duty to report to you that I fear before long we may have serious difficulties between Indians and whites in this Territory, and I would urge upon you the necessity of applying for an immediate increase of military force in Montana to prevent this. There is no section of the country that has more Indians in it than Montana, taking into consideration those who permanently reside here and those who visit the Territory peaceably or with hostile intentions. I think, taking them all together, I can safely say that about from 50,000 to 60,000 men, women, and children, is the total of Indians frequently located here, and yet there is, if I am not mistaken, no section of the Indian country that has fewer troops stationed in it. At present there are not over four hundred men in the Territory, inclusive of the four companies of the second cavalry which have recently arrived, and, as I understand, are to leave and rejoin the department of the Platte before winter. Should they do so that will leave about two hundred men. These troops are distributed as follows :

One company of infantry at Camp Cooke, which is situated on the Missouri River, seventy-five miles below Fort Benton; three companies of infantry at Fort Shaw, located on same river, sixty-five miles southwest of Benton, and three companies of infantry at Fort Ellis, near Bozeman City, one hundred miles southeast of Helena. All three companies are very weak, averaging from twenty-five to thirty men each. The cavalry battalion, under Brevet Colonel Brackett, is also stationed at Fort Ellis.

My reasons for apprehending trouble are that war parties of Indians from the Powder River country, the British Possessions, and from Idaho and Washington Territories, frequently visit this Territory and often commit depredations on the whites. The whites retaliate by killing any Indians they may chance to meet, sometimes in the most brutal and cowardly manner. I cannot now give you a detailed account of these hostile meetings, which occur frequently. There is a white element in this country which, from its rowdy and lawless character, cannot be excelled in any section, and the traffic in whisky with Indians in this Territory is carried on to an alarming extent. This frequently causes altercations between whites and Indians, resulting often in bloodshed, and as they occur in sections of the Territory where the civil authorities acknowledge themselves to be powerless to act, nothing but military force can at present put a stop to it. The law-abiding citizens of Montana are anxious for peace and quiet with the Indians, and would willingly give any assistance in their power to aid the authorities to carry out the laws if they were backed by force.

From reliable reports that increase daily, it is a wonder to me that open war with the Indians has not broken out already, but as yet only several skirmishes between Indians and soldiers and citizens have occurred.

General De Trobriand, commanding this district, has offered me every assistance in his power to enforce the laws; but, as you see, his force is very small to do much. I intend to do all I can to arrest some of the citizens, who, about ten days ago, committed the cowardly murder of a harmless old man and a boy about fourteen years old, at Fort Benton. They were Piegans, (a part of the Blackfeet nation.) These Indians were shot in broad day-light in the streets of the town. I think I can arrest the murderers, but doubt very much if I can convict them in any court. Nothing can be done to insure peace and order till there is

a military force here strong enough to clear out the roughs and whisky-sellers in the country ; but I will do all I can, with the limited means in my power, to prevent a war or any serious difficulties between the whites and Indians.

With much respect, your obedient servant,

ALF. SULLY,

United States Army Superintendent Indians.

Hon. COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., August 19, 1869.

SIR: I have the honor to transmit herewith a copy of a letter of this date from the Commissioner of Indian Affairs and accompanying copy of a telegram received from General Alfred Sully, superintendent of Indian affairs for Montana, in relation to outrages committed by the Blackfeet Indians, to which the attention of the War Department is respectfully invited as recommended by the Commissioner.

Very respectfully, your obedient servant,

W. T. OTTO,

Acting Secretary.

Hon. SECRETARY OF WAR.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, D. C., August 19, 1869.

SIR: Referring to my letter to you of 16th instant, inclosing copy of one from General A. Sully, superintendent Indian affairs for Montana, relative to anticipated trouble with the whites in that Territory, I have now the honor to inclose a copy of a telegram just received from General Sully relative to outrages by the Blackfeet, with the recommendation that the same be laid before the Secretary of War for such action as he may deem necessary in the premises.

Very respectfully, your obedient servant,

E. S. PARKER,

Commissioner.

Hon. J. D. Cox,

Secretary of the Interior.

HELENA, MONTANA,

August 18, 1869.

SIR: I fear we will have to consider the Blackfeet in a state of war. In addition to the late attack by these Indians on a train near Fort Benton a large number of horses have been stolen within fifty miles of here, and early this morning a ranch twenty-five miles from here was attacked and two men shot. The miners are very much exasperated.

GENERAL SULLY,

Superintendent Indian Affairs.

COMMISSIONER INDIAN AFFAIRS.

WAR DEPARTMENT,
Washington, August 18, 1869.

SIR: In the absence of the Secretary of War I have the honor to inform you that your communication of the 17th instant, with a letter from the Commissioner of Indian Affairs, showing a necessity for immediate increase of the military force in Montana Territory, has been referred to the General of the Army.

Very respectfully, your obedient servant,

ED. SCHRIVER,
Inspector General.

Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., October 12, 1869.

SIR: I have the honor to forward herewith for your information a copy of a letter dated the 7th instant, from the Commissioner of Indian Affairs, and the accompanying papers, setting forth the necessity of prompt action by the military to check the depredations committed by Indians in Montana, and respectfully to request that further re-enforcements of the military force in that Territory be made, if possible, for the purpose stated.

Very respectfully, your obedient servant,

J. D. COX,
Secretary.

Hon. SECRETARY OF WAR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., October 7, 1869.

SIR: I have the honor to transmit herewith copies of communications received from General Sully, superintendent of Indian affairs for Montana Territory, giving information of extensive depredations by Indians of that Territory, of the Blackfeet and Piegan tribes.

This bureau is powerless to control and prevent these depredations, and I respectfully suggest the communications above referred to be transmitted to the Secretary of War, with the request that the military take prompt measures to check them.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

Hon. J. D. Cox,
Secretary of the Interior.

BLACKFOOT AGENCY, MONTANA TERRITORY,
August 31, 1869.

SIR: I have the honor to report the following in regard to the feeling and condition of the Indians of this agency:

The depredation committed upon the whites, so far, has been done by the Piegans. The Bloods and Blackfeet have had nothing to do with it

whatever, and the Bloods, in particular, are very anxious to come to this agency and comply in all respects to the conditions of the treaty made with them last year, provided they can be fed and taken care of, according to the promises made them.

In fact, by what I can learn, there is, so far, only a small band of the Peigans that are, or that have been interested in the depredations lately committed, and their moving north with their families has been caused by fear of being accused of having something to do with these depredations, and the false reports of irresponsible, mischief-making whites.

They are very anxious the agency to be kept up according to the treaty, and appear to be well pleased by what they have heard of the superintendent of Indian affairs, and his intentions towards them.

I have employed twelve men at the rate of fifty dollars per month. I could not get them less, and have employed one four-mule team to haul wood, and to do such other work as has to be done about the agency.

I can get everything here that is required, with the exception of flour, of Mr. Hubbell, agent, and have written Mr. Hubbell about that, and expect he will attend to that soon. Any instructions you may wish to send me please direct to Fort Shaw, as that is the nearest point from here.

Your obedient servant,

F. D. PEASE,
Acting Agent for Blackfeet Indians.

Gen. ALFRED SULLY,
Supt. of Indians, Helena City, Montana.

SUPERINTENDENCY INDIANS OF MONTANA,
Helena, Montana, September 27, 1869.

SIR: I have to report two more depredations committed by the Indians, and supposed to be Blackfeet. This occurred four days ago, at a place not over seven miles from this city. A citizen by the name of James Quait, well known to all the people here, lost some horses and mules. He started out to look for them, and not returning, search was made for him, and his body found pierced with arrows and horribly mutilated. Nine Indians were seen, a few days before, driving off the stock from that direction. The Indians have now been at this work for over two months, and as no one, neither the military nor citizens, have made any attempts whatever to check them, they are daily becoming more bold in their operations.

I am told by those who have lost stock that they ride up boldly, in daytime, in the presence of citizens, and take what animals they please. Of course, this all comes to me with their complaints, thinking it is my duty to punish the Indians and recover their stolen property.

There are already over four hundred horses and mules known to have been stolen lately. That number, at \$150 each, will make an expensive claim against the government.

With much respect, your obedient servant,

ALFRED SULLY, U. S. A.,
Superintendent Indian Affairs.

Hon. E. S. PARKER,
Commissioner of Indian Affairs.

BLACKFOOT AGENCY,
September 2, 1869.

DEAR SIR: Having met with Major Pease, your special agent for the Blackfoot Indians, and from whom I learned your arrival in the country, connected with Indian matters, I thought it would not be amiss for me to drop you a few lines on that subject.

I have recently arrived from the interior, where I have been since last winter, with the Bloods and Blackfoot Indians. These people are perfectly friendly to the whites, and up to the time I left there, they evinced no disposition to be otherwise. They were no little surprised to hear of the frequent raids made upon the whites by the Piegans. These people have always professed to be the friend and protector of the whites, living as they have in almost constant communication with Benton. I have not seen those Indians to know for what reasons they are now committing these depredations upon the whites, but really my knowledge of their character for a great many years will not permit me to think that there exists a general hostile feeling among them. On the contrary, these depredations have been committed by a portion of the young rabble over whom the chiefs have no control, and nothing but the strong arm of the government can control.

The non-ratification of treaties made with these Indians has had anything else but a tendency to keep them quiet. Bound by no treaty stipulations, they think they have a perfect right to help themselves to any horses falling in their way.

I think, however, by keeping up this agency with a small amount of provisions, and to be given by the agent as their wants may require, will go a long way towards keeping them quiet, as the fast decreasing herds of buffalo, their only dependence for food, will reduce them wholly dependent on the government for support.

The Bloods and Blackfeet, who are distant and live remote from each other, have no sympathy with the Piegans, and of course will take no part with them in any way. I expect in a short time these two tribes will visit this place, when a little straightforward talk will convince them that the government is determined on making them keep the peace.

As I intend spending the winter here, I may have the pleasure of meeting you here in person, when I can give you, in regard to these Indians, all the reliable information you may want.

Very respectfully, your obedient servant,

ALEX. CULBERTSON.

General A. SULLY.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, Illinois, October 21, 1869.

GENERAL: I have the honor to acknowledge the receipt of a letter from the Secretary of the Interior, with accompanying reports of General Sully, Mr. Pease, and Mr. Culbertson, Indian agents in Montana, on the subject of depredations by the Piegan tribe of Indians.

We have had so few troops in Montana on account of the expiration of enlistments, as to have been unable to do much against these Indian marauders; but the regiments are now filling up, and I think it would be the best plan to let me find out exactly where these Indians are going to spend the winter, and about the time of a good heavy snow I will send out a party and try and strike them. About the 15th of Janu-

8 . ENGAGEMENT OF COLONEL BAKER WITH PIEGAN INDIANS.

ary they will be very helpless, and if where they live is not too far from Shaw or Ellis, we might be able to give them a good hard blow, which will make peace a desirable object.

To simply keep the troops on the defensive will not stop the murders; we must occasionally strike where it hurts, and if the General-in-chief thinks well of this, I will try and steal a small force on this tribe from Fort Shaw or Ellis, during the winter.

It numbers about fifteen hundred men, women, and children, all told.

Very respectfully,

P. H. SHERIDAN,
Lieutenant General.

Brevet Major General E. D. TOWNSEND,
Adjutant General U. S. A., Washington, D. C.

HEADQUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
Washington, November 4, 1869.

SIR: Referring to your communication of the 21st ultimo, relative to depredations by the Piegan Indians, in Montana, I have the honor to inform you that your proposed action, as stated therein, for the punishment of these marauders, has been approved by the General of the Army.

Very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant General.

Lieutenant General P. H. SHERIDAN,
*Commanding Military Division of the Missouri,
Chicago, Illinois.*

[By the Western Union Telegraph Company.]

CHICAGO, ILLINOIS,
January 29, 1870.

General W. T. SHERMAN, *Commanding Army:*

In compliance with your permission of November 4, 1869, to punish the Piegan Indians who have been robbing and murdering in Montana, I have the honor to report the complete success of an expedition sent against them, under the command of Colonel E. M. Baker, Second Cavalry, in which one hundred and seventy-three Indians were killed, forty-four lodges destroyed, also a large amount of winter provisions, and three hundred horses captured, &c. I think this will end Indian trouble in Montana, and will do away with the necessity of sending additional troops there in the spring, as contemplated.

I am, general, very respectfully, your obedient servant,

P. H. SHERIDAN,
Lieutenant General.

[By the Western Union Telegraph Company.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, Illinois, 29, 1870.

General W. T. SHERMAN, *Washington:*

I have the honor to transmit the following dispatch, forwarded by General Hancock from General de Trobriand, as further information on

the subject of my dispatch this morning; the expedition a complete success, Colonel Baker just returned, having killed one hundred and seventy-three Piegans, destroying forty-four lodges, with all their winter supplies, robes, &c., and captured over three hundred horses; the Bloods turned over all the horses taken from white people which were in their possession; the most of the murderers and marauders of last summer are killed. Pal and Mountain Chief escaped with a few followers, leaving everything but horses they were on; our loss, one man killed and a man accidentally wounded by falling off his horse. Report by mail without delay. This dispatch is transmitted verbatim.

P. H. SHERIDAN,
Lieutenant General.

[By the Western Union Telegraph Company.]

CHICAGO, ILLINOIS,
January 31, 1870.

General W. T. SHERMAN:

Colonel Baker had to turn loose over one hundred squaws; had no transportation to get them in.

P. H. SHERIDAN,
Lieutenant General.

ADJUTANT GENERAL'S OFFICE,
Washington, February 17, 1870.

Official:

E. D. TOWNSEND,
Adjutant General.

S. Ex. Doc. 49—2

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LETTER

FROM

THE SECRETARY OF WAR

COMMUNICATING,

In compliance with a resolution of the Senate of December 16, 1869, information in relation to amount of land claimed, held, or occupied as military reservations in the State of Florida.

FEBRUARY 25, 1870.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
February 24, 1870.

The Secretary of War has the honor to submit to the Senate of the United States, in compliance with the resolution of December 16, 1869, the accompanying report upon the amount of land claimed, held, or occupied as military reservations in the State of Florida.

WM. W. BELKNAP,
Secretary of War.

Reports, in compliance with Senate resolution of December 16, 1869.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, December 24, 1869.

SIR: In reply to the resolution of the Senate of 16th instant, viz: "That the Secretary of War be requested to report to the Senate what amount of land, if any, is claimed, held, or occupied by the War Department for military purposes in the State of Florida," I have the honor to report that two reservations of public land in Florida were made for arsenal purposes—one in November, 1832, and the other in November, 1833. The first, reserved sections 34 and 35 of township 4, range 6, northwest, and the east half of the northeast quarter and east half of the southeast quarter of section 33 of the same township and range; and the second reservation consisted of fractional sections 25, 26, 27, 28, and 29 of same township; the whole quantity of land being 2,202 $\frac{3}{4}$ acres.

In addition to the foregoing the Ordnance Department purchased, in February, 1834, from Daniel Matchett the perpetual right to use a wharf built by the United States on lot No. 2, in section 32, fractional township 4, range 6, north and west, and the perpetual right to the causeway road leading to the same.

The above-mentioned land, with the buildings thereon, is no longer

required for the purposes of an arsenal, and in my last annual report, I had the honor to recommend its sale.

Very respectfully, your obedient servant,

A. B. DYER,

Brevet Major General, Chief of Ordnance.

Brevet Major General E. D. TOWNSEND,

Adjutant General United States Army.

[Indorsement.]

HEADQUARTERS DEPARTMENT OF THE SOUTH,
Atlanta, Georgia, December 29, 1869.

Respectfully returned to the Adjutant General of the Army, through headquarters military division of the South.

The records at these headquarters show that military occupation exists in the State of Florida, at the following points: Fort Marion, (St. Augustine,) Key West, Fort Jefferson, (Dry Tortugas,) Santa Rosa Island, (Fort Pickens,) Fort McRae, Fort Clinch, (Fernandina,) and Fort Brooke, (Tampa.) The extent of the reservations at these posts is not known, and there are no reports or plans in this office from which they can be ascertained.

There is no information relative to the sites of the many unoccupied and abandoned stations in Florida obtainable.

The agent of the Bureau of Freedmen, Refugees and Abandoned Lands, Brevet Lieutenant Colonel G. W. Gile, at Jacksonville, Florida, has been requested to furnish such information in the premises as he possesses, and his report*, on receipt, will be at once forwarded.

ALFRED H. TERRY,

Brevet Major General U. S. A., Commanding.

General W. T. SHERMAN,

United States Army, Washington, D. C.

Forwarded by commanding general military division of the South.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., January 4, 1870.

GENERAL: I have the honor to return the copy of the Senate resolution of December 16, 1869, requesting the "Secretary of War to report to the Senate what amount of land, if any, is claimed, held, or occupied by the War Department for military purposes in the State of Florida," referred to this office for report, on the 22d December, 1869, and to report that this office has no definite information as to the quantity of land held for military purposes in the State of Florida.

The records of this office furnish the following:

Fort Barrancas, United States property, reserved by the President February 9, 1842.

Fort Jefferson, under construction prior to 1856. All the islands and keys known as Dry Tortugas, reserved by President September 17, 1845.

Key West—the island of Key West was embraced in the order of the President of September 17, 1845, reserving lands for military purposes at Dry Tortugas and elsewhere, but appears to have been covered

*Report made February 16, 1870. No lands held by the Bureau.

by two private grants. Lands for military purposes purchased by government. (See act of Congress, March 2, 1833, vol. 4, p. 644.)

Fort Marion—built by Spaniards in 1756; then called Castle of St. Mark. Reservation ordered by the President January 28, 1852.

Fort Pickens—first occupied October 21, 1834; believed to be on St. Rosa Island, which was originally reserved for naval purposes by order of the President April, 1838.

Under the first section of the act of Congress, approved August 18, 1856, (Stat., vol. II, page 87,) the military reservations at Pilatka and Tampa were transferred to the Interior Department.

Very respectfully, your obedient servant,

J. C. McFERRAN,

Dep'ty Q. M. G., Acting Quartermaster General.

General W. T. SHERMAN,

United States Army, Washington, D. C.

ADJUTANT GENERAL'S OFFICE,

Washington, February 22, 1870.

Official:

E. D. TOWNSEND,

Adjutant General.

Military lands in Florida.

MILITARY RESERVATION AT FORT CLINCH.

This reservation is situated on the north end of Amelia Island, mouth of St. Mary's River, and comprises the following tracts:

Reservation by the President's order of 9th February, 1842. Fractional section 8, township 3 north, range 29 east; and fractional section 11, and lots Nos. 1 and 2 of fractional section 14, township 3 north, range 28 east.

McQueen's tract, deeded to United States by G. R. Fairbanks, commissioner of circuit court, July 9, 1850, for \$1,600. Contents, 400 acres.

Clark's tract, deeded to United States by G. R. Fairbanks October 20, 1849, for \$400, comprising section No. 12, township 3, range 28 north and east; and section 7, township 3, range 29 north and east. Contents of whole reservation, about 886.8 acres.

MILITARY RESERVATION OF BATTON ISLAND.

Located south of Fort George's Island, north of St. John's River, and the land westwardly between said island and the inland pass from St. John's to the St. Mary's River for the entire length of the island.

This reservation was made by order of the Secretary of War March 23, 1849.

MILITARY RESERVATION ON MAGAZINE LOT, ST. AUGUSTINE.

This reservation was made by the President's order of February 9, 1842, and contains $11\frac{1}{2}$ acres.

MILITARY RESERVATION AT FORT MARION, ST. AUGUSTINE.

This reservation was made by the President's order of February 9, 1842, and contains 19 acres.

MILITARY RESERVATION ON NEW HOSPITAL LOT, ST. AUGUSTINE.

This reservation contains five-sixths of an acre, of which 480 square yards were deeded to the United States by Anthelm Gay June 5, 1827. The remaining portion was reserved by the President's order of February 9, 1842.

MILITARY RESERVATION ON ST. FRANCIS BARRACK LOT, ST. AUGUSTINE.

This reservation was made by the President's order of February 9, 1842, and contains three and five-sixths acres.

MILITARY RESERVATION ON OLD POWDER LOT, OR GOVERNOR'S GARDEN, ST. AUGUSTINE.

This reservation was made by the President's order of February 9, 1842, and contains six and one-fourth acres.

MILITARY RESERVATION ON DRAGOON BARRACK LOT, ST. AUGUSTINE.

This reservation was made by order of the President of February 9, 1842, and contains five-sixths of an acre.

MILITARY RESERVATION ON BLACKSMITH'S LOT, ST. AUGUSTINE.

This reservation was made by the President's order of February 9, 1842, and contains 595 square yards.

MILITARY RESERVATION AT CAY BISCAYNE, CAPE FLORIDA, EAST COAST OF FLORIDA.

This reservation was made by order of the Secretary of War of March 23, 1849.

MILITARY RESERVATION AT SOLDIERS' CAY, CAPE FLORIDA, EAST COAST OF FLORIDA.

This reservation was made by order of the Secretary of War, March 23, 1849.

MILITARY RESERVATION AT FORT TAYLOR KEY WEST.

This reservation is situated at the southwestern extremity of the city of Key West, and comprises the following tracts:

Tract No. 1. Deeded to the United States October 15, 1845, by John Bancroft and others. Contents 11.89 acres.

Tract No. 2. Deeded to the United States February 17, 1846, by J. W. Simonton. Contents 22 acres.

Tract No. 9. Deeded to the United States December 23, 1845, by H. C. Green and wife. Contents, 29 acres.

MILITARY RESERVATION AT ADVANCED TOWER, NO. 1, KEY WEST.

This reservation is situated on the southern coast of the island, and was taken possession of for military purposes by order of the Secretary of War September 21, 1861. It comprises square No. 27, and contains 33 acres.

MILITARY RESERVATION AT ADVANCED TOWER, NO. 2, KEY WEST.

This reservation is situated at the southeastern extremity of the island, and was taken possession of for military purposes by order the Secretary of War of September 21, 1861. The boundaries shown on the sketch embrace the land proposed to be secured by the government for military purposes.

MILITARY RESERVATION OF UNITED STATES BARRACKS, KEY WEST.

This reservation is situated at the northeastern extremity of the city of Key West, and comprises the following tracts:

Squares Nos. 54, 53, 42, and 8, and lots 1 and 2 in square 29. Deeded to the United States December 14, 1833, by Mary R. Fleming and others. Contents, 14.79 acres.

Squares Nos. 30 and 43. Deeded to the United States June 1, 1837, by James Webb and wife. Contents, 8 acres.

MILITARY RESERVATION OF DRY TORTUGAS.

This reservation comprises the extreme western group of the Florida Keys, and was made for military purposes by the President's order of September 17, 1845.

MILITARY RESERVATION AT CHARLOTTE HARBOR.

Located on Gasparilla Island, Boca Grand Island, and the small islands that lie within the distance of one mile east of said islands at Charlotte Harbor.

This reservation was made by order of the Secretary of War March 23, 1849.

MILITARY RESERVATION ON MULLET ISLAND, EGMONT ISLAND, BARNABY ISLAND, AND LONG ISLAND, IN TAMPA BAY.

This reservation was made by order of the Secretary of War March 23, 1849.

MILITARY RESERVATION AT CEDAR KEYS.

The reservation is situated in Suwanee Bay, on the western coast of Florida, and comprises the whole of the Sea Horse Key, North Key, and Snake Key. It was made for military purposes by the President's order of March 2, 1840. Contents of Sea Horse Key about 116.5 acres, of North Key about 157.8 acres, of Snake Key about 45 acres. Total number of acres in the whole reservation, 319.3.

MILITARY RESERVATION AT FORT ST. MARKS.

This reservation is situated at the confluence of the Waculla and St. Mark's rivers, and was made by the President's order, for military purposes, January 28, 1852. It comprises all the land between the fort and Third street, except a portion granted to the Tallahassee Railroad Company, and the following lots sold prior to the order of reservation, viz:

Lot No. 113, in square 12.

Lots Nos. 93, 105, 117, and 125, in square 13.

MILITARY RESERVATION ON DOG ISLAND, BETWEEN THE MIDDLE AND
EASTERN PASSES TO ST. GEORGE'S SOUND.

This reservation was made by order of the Secretary of War March 23, 1849.

MILITARY RESERVATION ON ST. GEORGE'S ISLAND, WEST PASS TO ST.
GEORGE'S SOUND.

This reservation, comprising the west end of St. George's Island for a distance of two miles from its northwest extremity, was made by order of the Secretary of War March 23, 1849.

MILITARY RESERVATION ON FLAG ISLAND, SOUTHWEST OF THE WEST
PASS TO ST. GEORGE'S SOUND.

This reservation was made by order of the Secretary of War March 23, 1849.

MILITARY RESERVATION AT BAY OF ST. JOSEPH.

This reservation comprises the whole neck or peninsula forming the Bay of St. Joseph from its northern extremity, or Point St. Joseph, to its connection with the main land at the eastern shore of the bay, including Cape San Blas. It was made by order of the Secretary of War March 23, 1849.

MILITARY RESERVATION ON CROOKED ISLAND, ST. ANDREW'S SOUND.

This reservation comprises the tongue or neck of the mainland east of the several entrances to the sound for a distance of two miles along the coast, and was made by order of the Secretary of War March 23, 1849.

MILITARY RESERVATION ON COE POINT, ST. ANDREW'S SOUND.

This reservation comprises the tongue or neck of the mainland west of the several entrances to the sound for a distance of two miles along the coast, and was made by order of the Secretary of War on the 23d March, 1849.

MILITARY RESERVATION ON ISLANDS BETWEEN COE POINT AND CROOKED
ISLAND, ST. ANDREW'S SOUND.

This reservation was made by order of the Secretary of War March 23, 1849.

MILITARY RESERVATION AT THE ENTRANCE TO SANTA ROSA SOUND.

Located opposite to and east of the east end of Santa Rosa Island. This reservation was made for military purposes by the President's order of February 9, 1842, and comprises so much of the point opposite to and east of east end of Santa Rosa Island as lies in township 2 south, range 22 west. Contents, 5,958.20 acres.

MILITARY RESERVATION AT FORT PICKENS, SANTA ROSA ISLAND, ENTRANCE TO PENSACOLA BAY.

This reservation, situated at the western extremity of the island, was purchased by the United States from Joseph M. White, attorney of Henry Michelet, May 28, 1828. It extends four English miles from the Point Liguena to a line running on a true north and south line, and contains about 1,181 acres.

MILITARY RESERVATION AT FORT M'RAE.

Located on Foster's Bank, western side of entrance to Pensacola Bay, opposite to and west of the west end of Santa Rosa Island. This reservation was made by the President's order of 9th February, 1842, and comprises all the land lying within one mile of the Fort. Contents, about 191.9 acres.

MILITARY RESERVATION AT FORT BARRANCAS.

This reservation is situated at the entrance of Pensacola Bay, opposite to and north of the west end of Santa Rosa Island. It was originally included in the naval reservation at Pensacola, and was transferred to the War Department by agreement of the Secretaries of War and Navy, approved by the President May 11, 1844.

It is bounded on the east by a line commencing at a stake at the northeast corner of Pilot's house, near Engineer wharf, and running thence north $70^{\circ} 45'$ west 3,500 feet to the intersection of the Merino line, thence along this line to the intersection of Grand Bayo; on the north by Grand Bayo; on the south by entrance to Pensacola Bay; on the west by a line commencing at a point on the shore that forms the southern boundary, and measures about 130 chains from the initial point at the northeast corner of Pilot's house, and running thence north 14° west 332.5 chains; thence south 76° west about 14 chains; thence north along the meridian line to the intersection of the east and west lines; thence east 40 chains along this line; thence north to the intersection of Grand Bayou, containing about 1,667.37 acres.

MILITARY RESERVATION AT THE ENTRANCE OF PERDIDO BAY.

Located on northwestern part of Florida and contiguous to the Gulf of Mexico. This reservation was made for military purposes by the President's order of February 9, 1842, and comprises so much of the eastern point which lies in Florida as is contained in township 4 south, range 33 west. Contents, 109.9 acres.

The military reconstruction of the State of Arkansas, as far as the military authorities were concerned, was completed on the 1st of February, 1865. It was then that the military authorities of the State of Arkansas, under the command of General Canby, issued the following order:

ORDER OF THE MILITARY RECONSTRUCTION AT LITTLE ROCK, ARK.
JANUARY 1, 1865.
The military authorities of the State of Arkansas, under the command of General Canby, have the honor to announce to the people of the State that the military reconstruction of the State is now completed. The military authorities have the honor to announce to the people of the State that the military reconstruction of the State is now completed. The military authorities have the honor to announce to the people of the State that the military reconstruction of the State is now completed.

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LETTER
OF THE
SECRETARY OF THE TREASURY
COMMUNICATING,

In compliance with a resolution of the Senate of the 14th instant, copy of the reports of the special agents of the Treasury Department appointed to examine the assay office in New York and the branch mint in San Francisco, so far as the same relates to the subjects of assaying and refining.

FEBRUARY 25, 1870.—Referred to the Committee on Finance and ordered to be printed.

TREASURY DEPARTMENT,
February 24, 1870.

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate of the United States, under date of the 14th instant, requesting the Secretary of the Treasury to furnish the Senate a copy of the report of the special agents of the Treasury Department appointed to examine the assay office in New York and the branch mint in San Francisco, so far as the same relates to the subjects of assaying and refining.

I transmit herewith a copy of a portion of a report made to this department by the Hon. H. R. Linderman, on the 8th of October last, upon the branch mint in San Francisco, also a copy of a portion of a report made to the department by Messrs. Linderman and Knox, on the 7th instant, upon the United States assay office in New York, which contain the information called for by the resolution.

I am, very respectfully, your obedient servant,

GEO. S. BOUTWELL,
Secretary of the Treasury.

Hon. SCHUYLER COLFAX,
President of the Senate.

Refining and parting of gold and silver coinage, charge, &c.

[Extract from report of H. R. Linderman, special agent Treasury Department—examination of branch mint, San Francisco.]

In the investigation of the various matters connected with the branch mint many practical questions have arisen growing out of the nature of the business of the Pacific Coast as affected by the operations of this

institution; among others, my attention was attracted to the very small amount of refining and coinage executed thereat as compared with the production of the country, and I was naturally led to inquire for an explanation. A due examination of the subject soon satisfied me as to the cause, which I found to be that, under our present system of mint laws, bullion has a higher commercial value for export than for coinage, in the Mint, which not only affects the local interests of that coast, but, in view of the diminishing product of the precious metals, becomes a question of national importance. The reason for this is that as gold and silver are chiefly valuable for the purpose of manufacturing money, the cost incidental to coinage necessarily determines the value of the bullion. I find on comparison, and especially at San Francisco, that the expenses of coinage are much greater than abroad, and hence our metallic product commands a higher price in foreign countries than can be realized by its coinage at home. The principal charge tending to produce this result is that of the half of one per cent. for coinage, which is above that of any other nation, and especially France and England, where most of our gold bullion is exported.

The importance of this question had presented itself in a measure to me while I was Director of the Mint, and in my annual report for 1868 I recommended its reduction from a half to a quarter of one per cent.; but my examination at San Francisco has led me to consider the subject more thoroughly, and I am convinced that it should be abrogated altogether, and that we should return to our uniform practice prior to 1853, which was to coin gold without charge, not only as an expedient for encouraging coinage, but as being more consistent with the theory of money as a universal standard of value.

A few examples will demonstrate the fact that bullion is, as I have before stated, of greater commercial value in our markets for export than for coinage at the Mint. An unparted stamped bar (ounces, 42,240 gross, 892-thousandths fine of gold, 98 fine of silver, and 10 parts base metal) deposited at branch mint, San Francisco:

Value of gold	\$778 87
Value of silver	4 85
Premium on silver, 4 per cent.	19
Branch mint, gross value	<u>783 91</u>
Deductions:	
Refining charge, 11 cents per ounce, gross	\$4 65
Coinage charge, $\frac{1}{2}$ of one per cent.	3 91
	<u>8 56</u>
Net branch mint return	<u>775 35</u>
Same bar sold in market, as bullion, stamped ounces, 42,240; .892 fine, (sold at par .892)	\$778 87
Loss, $\frac{1}{8}$ of one per cent.	
Assay charge	97
	<u>777 90</u>
Difference in favor of sale in market	<u><u>2 55</u></u>

The same bar if minted at New York or Philadelphia—

Gross value of bar	\$783 91
Deductions:	
Refining, 5 cents per ounce, gross.....	\$2 11
Coinage charge, same as at San Francisco	3 91
	6 02
Net United States Mint or United States assay office return.	777 89
The same bar if sold at New York at $\frac{1}{8}$ on 900 would net....	780 81
Difference against deposit for coinage and in favor of sale as bullion for export	2 92

The same bar deposited at San Francisco assaying works—

Gross value	\$783 91
Deductions:	
Refining, 8 cents per ounce, gross.....	\$3 38
Coinage charge	3 91
	7 29
	776 62
Sold as bullion for export	777 90
Difference against deposit for coinage	1 28

The net proceeds of the same bar if coined without deduction of the half of one per cent. for coinage would be as follows:

		Market value as bullion.	Diff. in favor of coinage.
San Francisco branch mint	\$779 26	\$777 90	\$1 36
Philadelphia Mint and New York assay office	781 80	780 81	99
San Francisco refining works.....	780 53	777 90	2 63

In view of the fact that the amount of specie in the United States is reduced to about one hundred and forty millions, and of the gradual decrease in the production of domestic gold, the expenses of coinage should be reduced in order to encourage deposits of gold bullion for coinage. Under existing laws the tendency is to exportation in the form of unparted bars, and that without reference to the condition of exchange with foreign countries. It may be urged on economical grounds that there should be a charge imposed for coinage equivalent to the expenses thereof, and the Mint thereby made self-sustaining. To this it should be answered that the Treasury has for several years past received a very large profit arising from the issue of the subsidiary coinage. This source of profit has hitherto been, and will no doubt in future continue to be, in excess of the expenses attending the coinage of gold, and as it was never intended that the Mint should be a source of revenue to the government, the latter can well afford not only to abrogate the present onerous coinage charge, but also keep the gold coinage in good condition as regards the loss from abrasion, by recoinage at its own expense such pieces as have become too much worn or defaced to such an extent as to render the legends and inscriptions illegible.

In the transcript of the "profit and loss" account transmitted herewith it will be seen that the heaviest items embraced therein relate to washage in the melter and refiner's department, particularly during the first few years after the branch mint was opened for business. Losses of bullion in this department may be expected whenever it falls into incompetent or dishonest management, but it is difficult to detect the same during the refining or parting operation. Hence, the losses are rarely discovered until the annual settlement of the operative officers is made, when all the bullion in their possession is required to be surrendered to the Treasurer.

The charges heretofore made at the branch mint for refining have evidently been inadequate to cover the cost as required by law. The scale of these charges should be carefully revised, and made to conform to the cost of the operation. The present scale of charges, according to the practical operations of the Mint, is in inverse ratio to the actual cost. For example, 1,000 ounces of crude bullion, of a gold fineness of 900-thousandths, and 100-thousandths of silver, 2,000 ounces of silver are added for granulation, making 2,100 ounces of silver to be dissolved by acid, for which the branch mint receives 11 cents per ounce on the gross weight of 1,000 ounces; while a deposit of same weight of a gold fineness of 750 and 250 silver, to which 2,000 ounces of silver are added for granulation, making 2,250 ounces of silver to be dissolved, the branch mint receives only 7 cents per ounce on the gross weight of 1,000 ounces; in other words, the lower grades costing more than the higher, while the charge is much less, which is not in accordance with law or the usages of other countries. Theoretically the amount of silver used in the branch mint in the parting operation is not required, it being only two parts silver to one of gold, which in the above examples would give three per cent. less of silver to be dissolved for the lower grade of gold, whereas the charge is 36 per cent. less. Out of an annual product of some forty millions of gold and twelve millions of silver on the Pacific Coast the branch mint is only parting about seven millions, the remainder being either parted at the private refineries or exported unrefined. Of course the expense of refining at the branch mint is greatly increased as the amount of refining becomes less; the mint being compelled to keep on hand an amount of skilled labor adequate to the working capacity of the mint when required. In view of these facts the question arises, whether we ought not to conform to the usage of other nations, viz: leave refining to private enterprise, partaking as it does of the character of manufacturing or metallurgic operation. The business of refining was only assumed by the government when the extraordinary influx of gold from California and Australia rendered it absolutely necessary for it to do so. No private refineries had, up to that time, been established in this country, and there could be no postponement of the business until they could be erected and skilled persons found to conduct them.

In a country like the Pacific Coast, which is the great producer of the precious metals, and which production is the leading industrial pursuit of the citizens, and underlying to a greater or less extent the entire business of the coast, the interest in mint operations becomes so broad that it is a question whether some modification of existing laws could not be made so as to retain to the depositor the benefit of the mint assay, government account, and return of proceeds the same as now enjoyed, and at the same time exclude the operation of refining, with its attendant losses and hazards, from the Mint.

There are now in operation in San Francisco two large and complete

private refineries, which do almost the exclusive refining of silver and the greater portion of the gold operated on for fine bars for export or coinage at the Mint. These refineries are the principal depositories of fine gold at the branch mint, and as their charges are much lower than the government, the true policy would be to allow them, or others that may be established hereafter, to do all the refining under such regulations, and upon such terms as would at all times insure the government against risk or loss, and at the lowest possible rate of cost.

It is proper to explain why private refiners can afford to refine at a less cost than the Mint. It is mainly due to the fact that they have adopted a process which, in Europe and elsewhere, has for some years superseded that still retained in our mints, which is known as the sulphuric-acid process, the economical advantages of which are that the acid itself is about one-fourth the cost. The operations require about one-third the time, and the residues are manufactured by them into valuable by-products which are utilized in manufacturing, mining, and agricultural pursuits.

The large amount of silver produced on the Pacific Coast is merely a commodity for export, and does not seek the Mint for coinage, except to a very limited extent, and it therefore naturally finds its way to the private refineries. This then gives them the additional advantages of refining a large amount of gold without much additional cost.

It may be asked why the Mint cannot use the same process. The reason seems to be that the sulphuric-acid process is too offensive to be maintained in the heart of a city where it is necessary that the mint should be located for convenience and safety. Moreover, it requires much more space than the nitric-acid process, or than can be afforded in such institutions.

The actual cost of refining at the San Francisco mint will probably hereafter amount to 15 cents per ounce. The charge at this time is only 11 cents, it having been reduced some time since from 14 cents per ounce, in consequence of a very favorable contract having been made for supplies of acids three years ago by the late superintendent, Swain, and which expires this month. The saving to the government under this contract has been, for some time past, at the rate of not less than \$15,000, gold, per annum. At the expiration of this contract the branch mint will probably be compelled to pay the market price for acids, which at the present time is nearly double the rates paid by the terms of the contract. An increase of refining expenses and of the charge to depositors will therefore necessarily follow.

I have gone somewhat into detail on the subject of refining and in relation to the charge for coinage, but I regard them as the most important questions relating to our bullion and coinage matters. With some modification of existing laws in the direction indicated our gold bullion would usually all seek the Mint for coinage, the refining be done without risk or wastage to the government or depositors of bullion, and at about half the actual cost attending the operation at the branch mint, and we should soon see a gratifying decrease in the exports of bullion, which would only be made when actually required in the adjustment of balances with foreign countries, and a corresponding increase in our stock of coin, the necessity for which will become very urgent as we gradually approach the resumption of specie payments.

Very respectfully, your obedient servant,

H. R. LINDERMAN,
Special Agent.

PHILADELPHIA, October 8, 1869.

Refining and parting of the precious metals at the United States assay office, New York.

[Extract from report thereon by H. R. Linderman and John Jay Knox.]

Having disposed of what we considered to be defects in the management of the assay office, we are brought to the consideration of what may be termed the operative departments of the institution, viz: the assay and the melting and refining departments. It affords us pleasure to state that the same have been conducted with skill, accuracy, and fidelity. The results attained by the melter and refiner, Mr. Andrew Mason, are so satisfactory that we feel it due to him, as well as to the government, to notice the operations of his department somewhat in detail.

Mr. Mason claims to have introduced, in 1865, two valuable improvements in the "parting" of gold and silver, and that the results have been not only the avoidance of the usual wastage, but an actual saving to the government in expenses and bullion, which would have been otherwise wasted, of about thirty thousand dollars per annum for the last four years. Almost all deposits of domestic gold contain sufficient silver to make it profitable to separate the two metals, and the same may be stated of silver of domestic production with respect to gold, particularly that derived from the mines of the great silver-producing State, Nevada. When gold bullion is received at the Mint in an unrefined condition, the first operation is to submit it to a preliminary melting and the use of protective and refining fluxes to prevent loss by volatilization,* and for the expulsion of base or refractory metals, so that they may not embarrass the parting process or reappear in the parted metal.

After having thus been freed from base and refractory metals it is mixed with twice its weight in silver, and granulated. The granulations are then subjected to the action of nitric acid, (2 parts of acid to 1 part silver,) in which silver, but not gold, is soluble. Two separate charges of nitric acid are necessary to dissolve the silver, which, when accomplished, leaves the gold freed therefrom. The gold is then, after suitable washing, pressed, dried, melted, and cast into bars or ingots. After precipitation as chloride from solution by salt, and the reduction of the chloride by zinc, the silver is treated in like manner.

As our gold deposits range in fineness from 970 to 334 thousandths, the mixture of gold and silver for granulation, prepared from accumulated individual deposits of different fineness that have not been assorted, varies greatly in character, the result often being an excess of silver, and requiring additional acid to dissolve the same, with a corresponding increase in the expense of the operation. This is the nitric-acid process, as practiced at the Mint in Philadelphia and the branch mint at San Francisco.

It should here be stated, in justice to one of the most experienced, scientific, and faithful officers in the mint service, (Professor J. C. Booth, melter and refiner, United States Mint, Philadelphia,) that prior to 1850 the proportion of silver to gold at the Mint in the mixture of the two metals for granulation preparatory to parting was from $2\frac{1}{2}$ to 3 of silver to 1 of gold. In that year Professor Booth reduced the proportion of $2\frac{1}{2}$ silver to 1 of gold (gross) to 2 of silver. This practice was followed at Philadelphia to 1854, and was transmitted to the branch mint at San

* An eminent German authority, Professor Kerl, states in his recent lecture on metallurgy, that "the loss of the precious metals by volatilization is greater than generally supposed."

Francisco and the assay office in that year, and has since been followed at Philadelphia and San Francisco to the present time, and at the assay office to 1865. From 1850 to 1865 the amount of bullion refined at the three establishments above referred to amounted to over five hundred millions of dollars. In operating on so large an amount of bullion, the silver excluded by the diminishing of half an ounce for each ounce of gold parted caused a corresponding reduction of nitric acid in the operation, and a large saving to the government, probably not less than half a million of dollars. The improvements on the above process introduced by Mr. Mason into the assay office in 1866, and since practiced there with remarkable success, are as follows:

1. The reduction of the quantity of silver added to the gold, from 2 to 1.85 parts to 1 gold, and an assortment of bars and calculation of fineness to secure an exact correspondence of these proportions.

2. The substitution of a boiling of the granulations of gold and silver in strong sulphuric acid in place of the usual second charge of nitric acid in the old process. The estimated saving effected at the assay office during 1869 by these improvements in "parting" the precious metals is stated to be as follows:

BY THE FIRST IMPROVEMENT.

The gold bullion operated on at the assay office in 1869 was 485,200 ounces, averaging a fineness of 813.002. By the old process this would have been melted with 970,400 ounces silver. Mr. Mason only added 639,307 ounces, making a difference of 331,093 ounces, which would have required nitric acid to dissolve it to the value of....	\$8, 173 44
The saving in other materials and labor that would have been required for the recovery of that quantity of silver from solution is estimated as at least equal in amount..	8, 173 44
Total saving in expense by first improvement.....	<u>16, 346 88</u>

BY THE SECOND IMPROVEMENT.

	Ounces.
The silver added to the gold was, as above stated	639, 307
The silver in the gold bullion itself, and taken out by refining it to .993 was.....	87, 239
Making together	<u>726, 546</u>
which would have required for solution in the old way (3 parts acid for 1 part silver) 2,179,638 ounces nitric acid.	
By the improved process, 2.39 parts acid for 1 part silver, it required 1,736,445 ounces. The difference in nitric acid, 443,193 ounces, would have cost, (30,391 pounds, at 12 cents)	\$3, 646 92
From this, however, must be deducted the cost of boiling in sulphuric acid.....	627 76
Leaving a saving in 1869 of.....	<u>3, 019 16</u>

It would appear, therefore, that the improvements of Mr. Mason saved in the item of expenses in 1869 the sum of \$19,366 04.

The above estimate does not include the surplus gold and silver returned by the melter and refiner in 1869, amounting together to the sum of \$10,224 13, although a considerable portion of the same, particularly silver, is undoubtedly due to the thorough and improved parting

process employed. As the return by the melter and refiner of a surplus of bullion over and above the amount legally charged to him might raise the question as to whether exact returns are made to depositors, it appears proper to explain how the same accrued. The surplus in the silver account is explained chiefly by the practice of settling with the depositor for the silver in his gold, upon the basis of refining the gold to 990-thousandths, while Mr. Mason brought it up to 997-thousandths, showing a saving to the assay office of 7-thousandths on all the gold from which silver was parted.

The chief source from which the surplus of gold arises is owing to the small portions of gold found in a large number of silver deposits, too small to be reported for the benefit of the depositor, being excluded by the legal limit of parting, the law providing that where gold and silver are combined, if either of these metals be in such small proportion that it cannot be separated advantageously, no allowance shall be made to the depositor for the value of such bullion. The regulation of the Mint on this point is that neither gold nor silver shall be separated for the benefit of the depositor when the net product of the operation shall be less than one dollar.

To the sources of gain above referred to must be added the sweepings from the deposit melting-room, in which deposits are first melted and freed from base metals preparatory for assay and transfer to the melter and refiner. This item, however, constitutes but a small percentage of the surplus. There must also be added the gains arising from fractions in sundry weighings, and from the report of finenesses, the fractions between the half and whole milli^{ème} being rejected.

It should be added that every possible precaution is taken at our minting establishments to insure full and accurate returns to depositors for their bullion. In every case of melting before assay the depositor has the benefit of the gains in the flux, which in each case is separately ground and washed, and also the benefit of the scrapings of the crucible.

These items, it was supposed, at the time existing mint laws were enacted, would about equal the inevitable loss or "wastage" of the precious metals in the operations of melting, refining, and parting. The law on this subject was enacted 32 years ago. For many years thereafter the compensating gains above referred to did not prove equal to the "wastage," and the resulting deficit was provided for by specific appropriations, but of late years the gradual improvements in conducting these operations have led to a diminution of wastage, and in some instances to a surplus of the gains referred to over and above the losses. These results reflect credit on the officers of the several minting establishments.

The examination on this point having exhibited that considerable difference exists as to the amount of wastage and surplus at the different institutions, it will be continued with a view to ascertain whether any modification of existing laws or regulations is necessary, and the result communicated to you in a supplementary report.

For the details in relation to the mode of parting adopted at the assay office in 1866, and since practiced there, you are respectfully referred to Mr. Mason's statement, annexed hereto; your attention is also invited to the report of Professor Booth on the same subject, and transmitted herewith. Mr. Mason claims a total saving to the government in expenses and bullion, which would otherwise have been lost or wasted, in four years, of \$119,457 89. We think this estimate rather large, but feel confident that the improvements saved the government two-thirds of that amount, say \$90,000.

The sulphuric-acid process for parting gold and silver, which Mr. Mason has adopted in part, has superseded all others in Europe. It is cheaper than the nitric-acid process, requires less time, and gives more accurate analytic results. So thorough is the process that a very slight percentage of gold contained in silver or silver contained in gold deposits can be separated by it. Moreover, gold can be brought to a higher range of fineness by it than by the nitric-acid process.

The sulphuric-acid process has also been adopted and brought to great perfection by private enterprise on the Pacific coast, where it became a necessity, in consequence of the large production of silver containing gold, in Nevada, and as a means of preventing the product (gold and silver) of that section of our country from shipment abroad in an unparted condition, on account of much cheaper parting in France, and elsewhere in Europe, compared with the cost at the San Francisco branch mint.

The successful introduction of this process on the Pacific Coast has resulted very beneficially to our country by furnishing fine gold and silver bars, which could not otherwise have been prepared at sufficiently low rates for our important and growing trade with China.* It also enables the bullion dealers of San Francisco to furnish standard bullion to some of the South American mints for coinage.

Of the whole amount (\$17,832,755 50) of bullion deposited at the branch mint, San Francisco, during the fiscal year ending June 30, 1869, nearly two thirds (\$11,228,441 78) was deposited in bullion already parted by private refineries using the sulphuric-acid process.

The general adoption of this process for the parting of our entire bullion product is a matter of great importance in an economical, as well as commercial, point of view.

It cannot well, however, be introduced into the mints for want of space in which to erect the necessary apparatus, even if it were desirable for the government to continue a branch of business originally forced on it by the sudden large influx of bullion from California and Australia, and which in Europe is left to private enterprise, but the end in view can be speedily and satisfactorily attained either by limiting the amount of bullion to be refined in the mints or the enactment of a law simply permitting the mints to exchange unparted for parted bullion. Such a law would not disturb any of the rights or privileges now enjoyed by depositors of bullion, and would soon result in reducing the expense of parting to European rates, which, if not a necessity, is certainly very desirable. At the New York assay office, however, there is sufficient room for the process in full, and for operating on a large amount of bullion, and this is fortunate, because it is of the highest importance to have at that point an extensive and well appointed refinery, capable of successfully competing with European establishments. Bars made from bullion, parted by the sulphuric-acid process, it is stated are sometimes brittle and unsuitable for coinage until they have been remelted and fluxed. This is undoubtedly due to the want of proper refining of the bullion before being subjected to the parting operation, and will not hold as an objection to its adoption for preparing the precious metals for coinage.*

* Referring to the sulphuric-acid process as conducted in Russia, where $2\frac{1}{2}$ silver to 1 of gold is used, Professor Booth says, "In this operation $\frac{1}{4}$ per cent. lead, nor $\frac{3}{4}$ per cent. copper, does not interfere with the successful refining." This is a very important point, as many of our deposits contain a slight percentage of lead and copper. Professor Booth also remarks that more silver can be extracted from gold by the sulphuric-acid process at the same expense.

There are certainly no good reasons why the parting of the precious metals cannot be thoroughly and as cheaply done in this country by the sulphuric-acid process as in Europe. We produce the bullion and possess the requisite means and skill for the purpose. All that is necessary to insure its accomplishment is that the proper authorities should become impressed with the necessity of such a result.

We have the honor to be, with great respect, your obedient servants,

H. R. LINDERMAN,

Special Agent Treasury Department.

JOHN JAY KNOX,

Deputy Comptroller of the Currency.

WASHINGTON, February 7, 1870.

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MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES

COMMUNICATING,

In compliance with a resolution of the 14th instant, correspondence of Charles E. De Long, minister resident of the United States to Japan, relating to American interests in that country.

FEBRUARY 28, 1870.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 14th instant, a report from the Secretary of State, with accompanying documents.

U. S. GRANT.

WASHINGTON, *February 23, 1870.*

DEPARTMENT OF STATE,
Washington, February 23, 1870.

The Secretary of State, to whom was referred the resolution of the Senate of the 14th instant, requesting the President, "if not incompatible with the public interests, to furnish the Senate with a copy of the official correspondence of Charles E. De Long, minister resident of the United States to Japan, relating to American interests in that country," has the honor to lay before the President the papers specified in the accompanying list.

Respectfully submitted.

HAMILTON FISH.

The PRESIDENT.

List of papers.

No. 86.—Mr. De Long to Mr. Fish, December 14, 1869.

No. 87.—Mr. De Long to Mr. Fish, December 21, 1869.

No. 88.—Mr. De Long to Mr. Fish, December 27, 1869.

Mr. De Long to Mr. Fish.

No. 86.]

YOKOHAMA, December 14, 1869.

I have the honor to inform you that I received a letter from the Japanese ministers for foreign affairs, in which they propose, with the view to obviate constantly recurring difficulties at the open ports hereafter, to permit the export of Japanese coal in steamers duty free, but that the fixed duty, according to the tariff appended to the convention of Yedo of June 25, 1866, shall be levied on that article irrespective of quantity, when taken on board of sailing vessels.

The ministers further suggest, if approved, that it will be unnecessary to enter into a formal amendment of the said tariff in this respect, but that a notice given to the local authorities, both foreign and Japanese, shall be deemed sufficient.

This arrangement having been unanimously accepted by the foreign representatives, the Japanese ministers were notified accordingly.

Our consuls at the open ports have been duly informed of this arrangement, of which, I trust, you will be pleased to approve.

Mr. De Long to Mr. Fish.

No. 87.]

YOKOHAMA, December 21, 1869

I have the honor to transmit herewith enclosure No. 1, translation of a letter from the Japanese ministers for foreign affairs, announcing their intention to put a stop to illicit trading at non-opened ports by foreigners, and enclosure No. 2, copy of my reply.

Similar letters were addressed to the department for foreign affairs by the representatives of the other treaty powers, and I also transmit enclosure No. 3, copy of a notification issued by me this day.

Messrs. Sawa Jüsanmi Kiyowara Nobu Yorhi and Terasima Jushü Fujuwara Munenori to Mr. De Long.

THE 7TH DAY OF THE 11TH MONTH,
(10th November, 1869.)

We beg to inform you that the government has decided to put a stop to trading of foreigners at non-opened ports. Hereafter we intend to prosecute foreigners thus trespassing before their respective authorities, and we now request you to order your consuls to duly punish those of your countrymen who may have violated or infringed the treaty in this respect.

Mr. De Long to Messrs. Sawa Jüsanmi Kiyowara Nobu Yorhi and Terasima Jushü Fujuwara Munenori.

No. —.]

YOKOHAMA, November 30, 1869.

I have the honor to acknowledge the receipt of your excellencies' letter of the 10th instant, informing me of the decision taken by the government of his Majesty, the Tenno, to put a stop to illicit trading by foreign vessels at non-opened ports, and to prosecute foreigners and their vessels judicially for all violations of the treaty in this respect.

I shall not fail to warn my countrymen of the above resolution of the government of his Majesty, the Tenno, and the latter may feel assured that the United States consuls in Japan will faithfully give effect, as far as it depends upon them to do so, to the conditions of the American treaty bearing upon this question, which provides that if

any American vessel shall smuggle goods in any of the non-opened ports in Japan, all such goods shall be forfeited to the Japanese government, and the ship shall pay a fine of one thousand dollars for each offense.

At the same time I must point out to your excellencies that it rests with the Japanese government on the other hand to see to the execution on your part of the above stipulation without allowing exceptions to be made in favor either of any nationality or of any individual, as such exceptions might be pleaded in defense of any breach of the aforesaid stipulation and might influence the decision of the consular court before which such cases have to be tried.

It is also clear to me that illicit trading of the nature complained of by your excellencies can only take place with the connivance of Japanese officers or people, and I request, therefore, that your excellencies will be pleased to inform me what measures are being taken by the Japanese government to prevent Japanese subjects from inviting foreigners to trade with them at non-opened ports.

Notification.

UNITED STATES LEGATION IN JAPAN,
Yokohama, December 21, 1869.

The undersigned, in common with the representatives of the other treaty powers, has been requested by the Japanese ministers for foreign affairs to make known to his countrymen the determination of the Japanese government to enforce the provisions of the treaties in respect to the trading of foreign vessels at non-opened ports in Japan.

The undersigned accordingly hereby warns American citizens of the penalties they incur by the commission of any breach of the aforesaid stipulations.

C. E. DE LONG,
Minister Resident of the United States in Japan.

Mr. De Long to Mr. Fish.

No. 88.]

YOKOHAMA, December 27, 1869.

With reference to my dispatch No. 81, of the 17th ultimo, I now beg leave to submit a statement of the affairs of this legation and in general bearing upon our relations in Japan.

As minister resident here I am outranked by the representatives of England, France, Italy, and Holland. This situation, besides being inconsistent with the dignity of the United States, is positively injurious in the precedence that this situation accords to the representatives of the other powers named, in the transaction of the business of the various legations, and by causing me continuous delays in various ways.

The staff of the legation is precisely now as at first when established, while its business has kept pace with the progress of foreign trade in this empire, and of course has increased a hundred fold since then. In dispatch No. 4, of the 16th of January last, the department was informed that the amount paid into the treasury for duties on tea from Yokohama alone exceeded two and a half millions of dollars in gold coin, while all of the expenditures of the United States for ministerial and consular purposes in this empire, exclusive of fees, was less than one per cent. of the amount of duties received from the trade with Japan. In addition to which I beg to suggest to your excellency that in the Simonsekey indemnity matter, (an affair which cost the United States almost nothing,) it has received in Mexican dollars the sum of three hundred and seventy-five thousand dollars, and has now in the same matter a similar sum due to it from this empire. With this should also be considered the establishment of a considerable commerce caused by the Pacific Mail Steamship Company's line of steamers, and the gradual development of a very considerable coasting trade here, and various other branches of business

in which Americans are engaged, of which no returns can be found at the custom-houses, and appear to have never been properly represented to the department in consular reports.

With this great increase of commerce and the increased number of foreign residents here, a proportionate increase in the cost of living here has been caused, which has again been enhanced by the great depreciation of the Japanese currency, in which expenses have to be paid. Already, in dispatch No. 62, of the 25th of December, 1866, the attention of the department was invited to this subject, and it was then stated that a Mexican dollar, in Japan, had no greater purchasing power than a dollar in currency at home. This statement, from actual experience, I am enabled fully to indorse, consequently, after paying the tax on my salary of five per cent., a further reduction for Mexican dollars, according to mint valuation, is required, as no gold coin is current here, and no allowance is made in this respect to civil officers such as is granted to our naval officers, who receive their pay dollar for dollar in the local currency.

There the Mexican dollar is converted into Japanese boos (a thoroughly debased coin) at a discount, and as these coins are regarded with much just suspicion, and being of an uncertain and fluctuating value, charges are invariably made with a view to guard against loss on this account, and must be submitted to.

Upon my arrival here I succeeded, after very much difficulty, in procuring two rooms for myself and family in a hotel, the charges for which, including board and lights, was ninety-eight Mexican dollars per week; and for the same accommodations, with the addition of one sleeping-room for my secretary and a bed-room, to be used as an office, the rate charged was seven hundred dollars per month, a sum considerably exceeding the amount of my entire salary. I could not rent a suitable dwelling house here for my family for less than two hundred dollars per month, and as I found it imperatively necessary to have a family residence here, as none was procurable at Yedo, as it was unsafe and most unpleasant for a family to reside there, and as all of the other foreign representatives had their residences here, I was obliged to, and did buy the residence built here by my predecessor and then occupied by him. Thus, including my passage money from San Francisco, I now find that I have already expended over eleven thousand dollars, (Mexican,) a sum almost equaling my salary for two years; and I beg to assure you that this is an actual and a necessary cash expenditure without any extravagance.

Like the other representatives, I have a legation building at Yedo. The only public property I found in it was one small unpainted desk, one chair, and a small much worn flag. The furniture there was the private property of my predecessor, and was sold by him. To maintain this legation residence of course will require a considerable outlay to make it habitable, in the first instance, and additional outlays to keep it in order; and expenses for conveyance between Yedo and here have constantly to be provided by me. These expenses I beg to assure you are unavoidable. My colleagues all reside at Yokohama, where our conferences are held, and our mails are constantly arriving; but the department for foreign affairs is at Yedo, and it is necessary to meet there frequently with the Japanese ministers. The distance between the two places is over twenty miles, and owing to the general condition of the road it is seldom possible to return on the same day.

This legation building is situated at a distance of fully four miles from the office of foreign affairs, and it is in every respect desirable to have another legation residence nearer that office, and abandon the former,

particularly as I can never expect a return visit from one of the Japanese ministers, who, instead of coming in person to wait upon me, or to transact business with me, send some subordinate as a messenger. Besides this, situated as I am here, without any legation guard or escort, I am constantly subjected to some danger, and very great inconvenience, by having so frequently to travel a great distance through the overcrowded, unpaved streets of Yedo, without sidewalks, and having no horse.

This legation building is of one story, made of paper and floored with mats; its partitions are all simply sliding paper doors; the roof projecting so much as to almost entirely exclude the light. It adjoins a large temple, where crowds of natives, suffering with all manner of diseases, congregate daily for worship and lay about soliciting alms; it stands in a low, damp spot, is indefensible and unhealthy; no view is obtainable from it, and my flag is not to be seen any distance. As there is no security there against fire, all of the archives of the legation are kept here, and have been ever since the fire that occurred in Yedo in 1863. During last year several engagements were fought in the streets of Yedo, in which artillery was used, and there is no guarantee that this will not at any time occur again. In dispatch No. 72 of this series the department was informed that the British minister had narrowly escaped being cut down by a two sworded man in the streets in Yedo, in daylight. To such risks travellers in Yedo are still constantly liable, and perhaps more particularly those whose rank and position are known. Originally, and in order not to rouse the anti-foreign feeling, which the government was unwilling or unable to repress, this legation building was selected because, being usually occupied by travellers who desired retirement, a foreign representative was made to appear in the light of a sojourner, and gave the Japanese government in communications with their people the technical right to deny that any foreigners resided in Yedo. At first it was surrounded by a double, and in some places a triple bamboo stockade, of great strength, and in former times as many as eight hundred men armed with muskets and artillery detailed for its protection.

While such difficulties do not exist now as did then, it is evident, from the recent attack on the British minister, that all danger is not past, but that any foreigner proceeding anywhere in Yedo is at all times liable to assault from any of the swarms of native soldiery quartered there.

This legation building is isolated and now without any stockade enclosure; in one direction too far from the castle, and in another too far from the foreign office; and in view of the loss of time necessarily incurred in travelling to and fro, it is highly inconvenient for the prompt transaction of the rapidly increasing business of this legation.

In view of these facts I have addressed a note to the Japanese minister, proposing to exchange this building for one more conveniently situated, and in reply they offer eligible sites near the foreign concession and the water front.

Immediately after the departure of this mail I will examine the sites offered, select one, and make the best possible arrangements for a temporary residence there at least.

I entertain no doubts but what Yedo must forever remain the Japanese capitol. It is in the centre of this empire and of the great tea and silk districts, and is the seat of Japanese civilization. A single glance at Yedo is convincing in this respect; its castle, than which nothing is more imperial; the immense extent of the great city; its vast population; its situation at the head of the magnificent bay named after it, all goes

to show that such a city can nowhere else be founded in this country, and can never be transplanted; and I do not hesitate, therefore, in view of the foregoing facts, to submit that a permanent, insurable legation building should be erected there. Our interests require that we should be independent of the Japanese government in this respect. A portion of the interest accruing to the department from the Simonskey indemnity fund, which fund was remitted about four years ago, would cover such an outlay; and in your superior wisdom I hope it will appear proper to defray such expenditure from that or some other source.

In this connection I beg to state, as far as known, the condition of the English and French legation here, and the allowances made therefor, that it may plainly appear to you how unfairly I am situated to compete with them in the laudable strife of advancing my country's interest to the front in Japanese trade and commerce.

The British minister, in addition to having his residence here and at Yedo paid for by his government, has a salary of four thousand pounds and all expenses of official entertainment provided.

The French legation has about the same allowance. To each legation three secretaries are attached, besides student interpreters and clerks or attachés; all in the regular diplomatic service also, Japanese linguists, without whose aid no perfect translation can be made.

All of these officials are handsomely provided with residence accommodations at Yedo and here. Both legations have mounted guards of their own countrymen, besides strong detachments of infantry and artillery stationed at this port. The English force is commanded by a colonel with a regimental staff; and, in order more completely to secure their independence, and consequently their usefulness, one or more serviceable men-of-war are always prepared and under instructions to be at the service of the legation, that the minister may at once and with a power that inspires awe and commands respect, visit any of the other open ports where, occasionally, consuls need supporting, and in order to prevent misunderstandings with or abuses from subordinate native officials.

All of the traveling expenses of such diplomatic officers on duty are provided by their governments.

The sloop of war *Oneida* being under orders to sail from here on the 15th of January next on her way home, and the *Ashuelot* and *Monocacy* having already sailed from here for Hong Kong, with the understanding that they have already been sold there, or are to be sold, leaves the United States squadron in the Japanese seas, consisting of the storeship *Idaho*, lying in this port, having been recently broken up in a typhoon, and, being now a condemned vessel, totally unfit for sea, with her crew and four marines. To such protection American citizens in Japan and American commerce on Japanese seas stand committed; while on shore my paper-house legation, with no lock or bolt to it and no means of applying them, is left without one guardsman, native or otherwise, and I am left to dispatch my official business in Yedo, relying solely on my revolver for protection, or upon such mounted native policemen as the native authorities see proper at times to allow to escort me.

Naturally enough Japanese officials seem to care for foreigners pretty much as they are cared for by their own governments; and, measured by this rule, it is easy of determination how my influence at their court must compare with that of the French and English representatives.

I wish most earnestly to solicit attention to this subject, for in it, with proper attention, lies the power to greatly augment and strengthen American influence and interests with this people, and this, too, without any considerable increase of the expenses of our government, for it cer-

tainly would cost but little, if any more, for vessels of war of the United States to remain here than elsewhere, while a small mounted guard of twenty-five or thirty men could be as cheaply sustained here as elsewhere; and such addition to my present surroundings would be of incalculable benefit in enabling me, with dispatch and safety, to transact my business here, besides being an element of legitimate influence in dealing with this people, just waking from the barbarism of ages, who still detest the foreigner in their hearts, and only listen when they fear. I recommend most respectfully, therefore, the establishment of a mounted guard for this legation, the increase of the squadron here with at least one vessel, to be placed at my service, while the others, when not more usefully engaged, might be employed in surveying the coast of these islands, so little known, so dangerous, and yet so frequented by American commerce.

It is proper, in this connection, for me also to remark that the popular impression at Yedo and all the open ports now is, that civil war will again soon break out here; and this impression is supported by intimations freely conveyed by officers of different princes, and from the fact that recent purchases have been made at Hiogo, of foreigners, of rifles, lead, and fixed ammunition to a large extent; and saltpeter on the islands is almost unobtainable.

In support of my suggestion about increasing our naval force in these waters, I will state, from information received by me from an undoubted source, that about four months ago the captain of a Japanese armed steamer was compelled to knock the lieutenant of his own ship down upon the quarter-deck of his own vessel, to prevent his ordering a foreign steamer to be fired on that was passing this Japanese vessel in the inland seas, and that these facts were elicited upon an examination into the affair held at Yedo by her owner, a Japanese prince.

Supposing that one of our mail steamers, generally carrying many passengers and much valuable freight, should meet at sea some of those numerous armed steamers of the various daimios of this empire, and should be assailed as this one nearly was, what would or could I do as I am situated? I beg to submit that the known fact of our being in readiness to at once redress such a wrong, is the best possible safeguard against its perpetration.

In this connection, I beg leave also to mention the case of the American steamer *Peiho*, (reported in dispatches Nos. 56, 65, and 69 of this series,) in which case Japanese naval officers, claiming to act in the name of the Mikado, boarded that steamer, hauled down the American flag, and hoisted the Japanese colors instead, and this steamer was not released until October last, when the Japanese government, becoming convinced that this matter would be placed in the American admiral's hands for settlement, at once released her, all remonstrances and warning other than this, although made in the kindest possible manner, having produced no effect at all. The Japanese having then just received the *Stonewall*, and fought her with much success at Hakodada, perhaps entertained the conceit that they were strong enough to defy our government, and such conceit, if then entertained, it is scarcely supposable is lessened much now when their navy has been rapidly increased into quite a large and serviceable one, while our own is in fact unrepresented here with anything that could for a moment live in a conflict with such a vessel as the *Stonewall*, or such a one as it is reported the Japanese have recently purchased, and are now daily expecting here from England, which vessel rumor has it is an iron-clad still more powerful than the *Stonewall*.

These facts appear to have received the attention of the English and French governments, and they have deemed it to be to their interest to keep a naval force here strong enough to overawe any ill-advised attempt at hostility on the part of the Japanese. The English flag-ship here is the magnificent iron-clad *Ocean*, soon to be relieved by a still more powerful one on the way; this with the *Pearl*, *Zebra* and *Havoc*, in this port, (and vessels of war in every other open port in Japan,) as also has the French government, gives to the commerce and citizens of those powers here assured protection, and to their representatives a power and influence at court that is in vain sought for by republican simplicity, especially when thus unarmed. I do not fear any act of hostility or aggression from the Japanese government; it is only to be feared from some lawless daimio or his subordinates.

At my official residence at this port I found a flag-staff less than thirty feet in height and one worn flag.

By established custom here the flag denotes the minister's presence; therefore it is quite essential that my flag, when I am here, shall be displayed, or otherwise my dispatches are forwarded to me at Yedo, and also persons wishing to see me proceed there. On this staff my flag could not be seen but in a small portion of the settlement, and not at all by our naval officers on board our vessels in port. I have consequently taken steps to have a new staff one hundred feet high erected, and some flags made. For these I shall when completed draw upon the department, trusting that through a recognition of the necessity my action will be approved.

To reiterate somewhat, I beg leave in support of my views as to the necessity of having a suitable legation building erected and furnished at Yedo by the government at once, a guard provided, and the pay of myself, as well as my rank, increased, to submit the following additional considerations:

No house can be hired in Yedo, for the reason that none exist there but paper houses, such as I have described, except the French and English legation buildings, built by themselves, and of course unobtainable. Next, it should be remembered that this empire, through the immense revolution in travel caused by the completion of the Pacific railroad, and the establishment of the Japan and China line of Pacific Mail Steamship Company's steamships, instead of being the least known and least visited of all countries, has become a great resting place immediately upon the highway of nations around the world, and here already are pouring in upon us the advance-guard of travellers, men of letters, science, and business, and here they find a land and people of exceeding interest, little known of or written about, with a great and hopeful future before them, whenever their savage ideas and instincts shall become humanized by the light of civilization and the labors of Christianity. Such a land, tourists and men of business will not willingly depart from in the twenty-four or forty-eight hours that the steamer remains here, but, naturally enough, the inclination of all is to remain over here for at least one steamer, or two, to examine this country and learn of this people, and while here, being so very far from home and finding such uncomfortable hotel accommodations as are to be met with here, they expect and seem to think they have a right to claim some little courtesy and entertainment at the hands of their country's representative; and a man holding such a position, with his heart in the right place, cannot be deaf to such an appeal. This radical change in affairs as radically changes the situation of this legation, by adding most materially to its expenses. Living in paper houses, sleeping on mats, &c., will not

answer the demands or expectations of one's countrymen coming abroad, who hope and expect to see their country represented in a manner, compared with other nations, befitting its greatness and its goodness. What was well enough when Japan was almost a *terra incognita* will not do when it is placed within twenty-two days' sail of San Francisco, on the way of our people in making a tour around the world; and I frankly admit to your excellency, with most profound respect, that I feel the indignity of my position daily when brought in contact with the representatives of the other great powers, and even of our own people journeying here; and I would much rather resign a position, or be recalled from it for plain speaking, than to occupy it under such circumstances that I cannot fail daily to feel and recognize the fact that I am without influence or power at the court to which I am accredited; consequently without ability to serve my country beneficially, and utterly unable to extend to my sojourning countrymen such common hospitality and courtesy as is the innate prompting of every American's heart.

I trust that your excellency will remember that I am young and inexperienced in the fields of diplomacy, and I may, in urging my views, have used a too forcible style in this letter; if so, I hope to be judged of kindly and treated considerately, as I have intended everything for the best and have used earnest language because I wish to be heard.

In my dispatch No. 81, of the 17th ultimo, I informed you that I would instruct our consul at this port to select suitable sites on the grounds reserved for public purposes in this town for a post office and a jail. I lost no time in doing so, and the consul now informs me that he hopes soon to succeed in procuring such lots, although for the present, so far as a post office is concerned, I am informed by the consul, and myself believe, that nothing more is necessary than to give increased assistance to him in carrying it on; he has plenty of room in the consulate building for it, but needs an appropriation of money to aid him in conducting and managing it, which I cordially recommend.

There are two large lots of land, formerly selected by the American consul here for hospital purposes, situated on the bluff, exceedingly fine and appropriate selections for hospital or legation residence purposes, or either. They have been set aside by the Japanese for the United States for several years, but the land tax thereon is unpaid, and is now demanded of me by the Japanese. It is eminently proper, in my opinion, that we should pay the taxes or restore the property, and I solicit and will await instructions as to what course to pursue; I will say, however, that the amount due is not large, (how much exactly I do not know,) while the lots are beautiful selections on the bluff, in the midst of the foreign private residence portion of the city, and would be hard, except at a large price, to replace if surrendered.

They were originally reserved because the need of a hospital here was much felt; and if that was the case in the past, how much more is it the case now, when our mail steamers are monthly carrying each way through here loads of thousands of Chinese steerage passengers, with respectable numbers of cabin passengers; and our commercial fleet daily increasing. Should cholera, small-pox, or any other infectious disease break out on one of these steamers, it is hard to say what would be done, and only possible to state that the United States authorities on shore here would be entirely powerless to extend any aid, as there is no American hospital here, and no provision has ever been made to meet such an emergency. But the necessity for a hospital is no greater than the one that exists for a jail.

Hitherto jail accommodations have been kindly provided by the

English authorities here, and the annual appropriation made by Congress has been used toward defraying the expenses of our prisoners. At one of our ministerial meetings the other day the British minister informed me that it was inconvenient longer to continue this accommodation, owing to an increase of these prisoners. Therefore I beg leave most respectfully to submit that there is a pressing necessity for the establishment of a hospital and a jail at this port, even if both be upon the simplest and cheapest scale, as we cannot now do anything with our erring or suffering countrymen except to procure for them such refuge as a foreign prison or a foreign almshouse affords, upon our petition therefor to foreign authorities; and it is a fact that we have many cases of American citizens violating the law and requiring punishment; and also very many cases of destitute and distressed countrymen daily appealing to us for shelter in sickness.

In conclusion I beg to state, that although forcibly impressed, upon my arrival, with our shortcomings, yet I carefully mistrusted my first impressions, and took time to ascertain what I have written about; and now, after having carefully and diligently examined into all of the circumstances set forth in this dispatch relative to our requirements here, I feel sure that I have overstated nothing. We enjoy a highly profitable trade with Japan, and in return certain obligations are due from us that we should remember. I can only hope that you will be pleased to approve of my view of the situation, and give it effect by inducing the President and Congress to extend to our relations in this country a more fostering care, and such as will more befit our national dignity, and be more consistent with our true interests.



L E T T E R

OF

THE POSTMASTER GENERAL

COMMUNICATING,

In compliance with two resolutions of the Senate, of the 8th instant, information relative to blank petitions recently sent from that department for the abolition of the franking privilege.

FEBRUARY 28, 1870.—Ordered to lie on the table and be printed.

POST OFFICE DEPARTMENT,
Washington, D. C., February 26, 1870.

SIR: In compliance with two resolutions of the Senate, adopted on the 8th instant, requesting information relative to blank petitions recently sent from this department, asking the abolition of the franking privilege, I have the honor to state, that the number of petitions sent through the mails for public use was 75,000, the printing of which, including the paper, cost \$403 63; and the number of circulars sent with the petitions was 28,000, costing, including paper, \$95 53, making the total cost of circulars and petitions \$499 16, as reported in the following letter, received from the government printer:

OFFICE OF THE CONGRESSIONAL PRINTER,
Washington, January 21, 1870.

SIR: In answer to yours of this date, requesting to be furnished with number of copies of inclosed circulars printed for Post Office Department, and the cost of the same, I will say that on

December 21st, 50,000 copies petition, abolition of franking privilege.....	\$264 56
December 29th, 25,000 copies of same.....	139 07
December 21st, 28,000 copies circular, abolition of franking privilege.....	95 53
Total.....	499 16

Very respectfully,

H. H. CLAPP, *Chief Clerk.*

Hon. W. H. H. TERRELL,
Third Assistant Postmaster General.

These petitions and circulars were printed by my orders, and the expense thereof was defrayed by the office of the Congressional Printer. No part of the expense was charged against any fund appropriated for the use of this department. No extra expense was incurred for envelopes or clerk hire in sending out these documents. They were forwarded to postmasters in envelopes prepared for official returns of the amount of free matter dispatched from the various post offices; the object being to obtain accurate returns of the amount of free matter passing through the mails, for the information of this department and of Congress.

The petition and circular were prepared under my direction, in accordance with the views expressed by the President in his late message, and in response to what was believed to be a very general wish of the people that the franking privilege should be abolished.

Reference to the circular accompanying the blank petition, will show that no attempt was made on the part of this department to influence the views of postmasters respecting the abolition of the franking privilege. They were simply requested to give citizens who were in favor of the measure an opportunity to so express themselves, in a way that I supposed to be perfectly legitimate and proper, that is, by petition. My belief was that the minds of the people were already made up on the important question, and my only object in furnishing the blank petitions was to afford them an opportunity of expressing their wishes to Congress. This I considered my duty, and I acted accordingly.

For the further information of the Senate, the petition and circular are herewith furnished.

[Petition.]

ABOLITION OF THE FRANKING PRIVILEGE.

To the Senate and House of Representatives of the United States of America :

The petition of the undersigned, citizens of _____, respectfully represents: that the abuses of the franking privilege, and frauds incident thereto, have assumed such enormous proportions that its total abolition has become a necessity. It loads the mails with hundreds of tons of matter properly chargeable with postage, greatly increasing their weight and bulk, and cost of transportation; and, in many cases, retarding the transmission and delivery of legitimate correspondence. It is a special privilege, the benefits of which accrue to the favored few at the expense of the many. It has been the fruitful cause of the large deficiencies charged upon the national treasury for the support of the Post Office Department, amounting to millions of dollars annually. It has seriously impaired the usefulness and efficiency of the postal service in meeting the just expectations and increasing wants of the people, in respect to reduced postage charges and enlarged mail accommodations. For these and other reasons, which might be urged, your petitioners humbly pray that your honorable bodies will pass a law abolishing the franking privilege; and, as in duty bound, they will ever pray, &c.

[Circular.]

ABOLITION OF THE FRANKING PRIVILEGE—NOTE TO POSTMASTER.

The inclosed blank petition to Congress is forwarded to you in response to the very generally expressed wish of the people of the United States that the *franking privilege be abolished*.

The President and the Postmaster General, in their official communications to Congress at the present session, have strongly and earnestly recommended this reform; and, without intending to influence your own views, you are respectfully requested to give the citizens within the delivery of your office early opportunity to sign the petition. For this purpose several blanks will be supplied to the larger post offices; and it is suggested that they be placed at the prominent business centers, or circulated personally by gentlemen who feel an interest in the reform, so that all who desire to add the weight of their names in behalf of this important measure may have every reasonable facility for so doing.

It is further suggested that each postmaster will personally see that the petition, or petitions, (so circulated and signed within the delivery of his office,) be forwarded to the United States senator, representative, or delegate in Congress, representing his State, district, or Territory, as early as the 1st day of February, 1870, to the end that the question may receive early and due consideration at the *present* session of the national legislature.

W. H. H. TERRELL,

Third Assistant Postmaster General.

POST OFFICE DEPARTMENT,

Washington, December 20, 1869.

In regard to the authority for procuring blanks and circulars, or other printing, for public use, at the expense of the government, I respectfully refer to the 3d section of the act of Congress approved August 26, 1852, (10 Stats., 31,) which provides "that it shall be duty of the Superintendent of Public Printing to receive from the Secretary of the Senate and Clerk of the House of Representatives all matter ordered by Congress to be printed, and from the several chiefs of departments and heads of bureaus all matter ordered by them, respectively, to be printed at the public expense," &c.

See also section 2, act February 22, 1867, (14 Stat., 378,) creating Congressional Printer, vice Superintendent of Public Printing.

One of the Senate resolutions requires "a tabulated statement" to be furnished "of the returns received for the month of January, A. D. 1870, from postmasters, of quantity, weight, kind, &c., of franked matter sent and received, together with an analysis of the same, showing the quantity, weight, kind, &c., thereof referable to each executive department of government, and to the two houses of Congress, respectively." It is impossible to furnish this information in the detailed form required. On the 17th of December last I caused to be prepared a blank for monthly returns by postmasters of free matter mailed at their respective offices, with a circular containing instructions relating to said returns, copies of which are herewith furnished:

FREE MAIL MATTER.

(NOTE.—The blanks on both sides of this sheet must be filled by postmasters, and it must be forwarded promptly at the close of each month to the Third Assistant Postmaster General.)

Post Office, _____

County, _____

State, _____

(Date.) _____, 1870.

Monthly Return of franked and free mail matter, (Letters, Documents, &c.,) sent from this office for the month of _____, 1870.

	Number.	Amount of postage chargeable at established rates.
<i>Sealed letters sent.</i>		
Bearing frank of persons entitled to send letters free.....		\$
Addressed to persons entitled to receive letters free, (as members of Congress, government departments, &c., &c.)		\$
Total		\$
<i>Public documents, seeds, &c., sent.</i>		
	Weight.	Amount of postage chargeable at established rates.
	Pounds. Oz.	
Bearing frank of persons entitled to use the franking privilege.....		\$
Addressed to persons entitled to receive mail matter free ..		\$
Total		\$

I certify that the foregoing is a correct statement.

(Sign here.) _____

Postmaster.

[Indorsement.]

MONTHLY ACCOUNT OF FREE MAIL MATTER SENT FROM

Post office, _____
 County, _____
 State, _____
 for _____, 1870.
 No. of letters, _____
 Postage, \$ _____
 Weight of books, &c., _____
 Postage, \$ _____

[Circular.]

FREE MAIL MATTER.

POST OFFICE DEPARTMENT,
 OFFICE OF THE THIRD ASSISTANT P. M. GENERAL,
 Washington, D. C., December 17, 1869.

To Postmasters :

The Postmaster General has this day made the following order :

" *Ordered*, That each postmaster in the United States be instructed to take an accurate monthly account of *all franked or free matter* deposited at their respective offices *for mailing*, for the period of six months, commencing January 1 and ending June 30, 1870 ; and to make special reports thereof to the Third Assistant Postmaster General at the close of each month, embracing the following particulars, viz :

" 1st. The number of franked or free letters, and the amount of postage that would be chargeable thereon at the established rate of postage.

" 2d. The weight of franked or free matter *other than letters*, and the amount of postage that would be chargeable thereon at the current rates of postage."

Postmasters will carefully conform to the foregoing instructions, *using the enclosed form*, which must be promptly forwarded to *this office* at the close of each month.

Should this circular fail to be received at any post office in time to commence taking an account of free matter on the first of January, 1870, let the return for that month include such portion of the month as may remain when the circular is received.

By order of the Postmaster General :

W. H. H. TERRELL,
Third Assistant Postmaster General.

It will be seen that my instructions covered the points which would give sufficient data for the compilation of accurate statistics, in the aggregate, of free matter carried in the mails from the 1st of January to the 1st of July of this year. No returns were called for of quantity, weight, kind, &c., of franked or free matter sent from or to the several executive departments, and from and to the two houses of Congress. Such returns could not be made without incurring heavy expense and causing great delay in forwarding such matter.

Thus far only partial returns have been received, made in accordance with the blanks and instructions before referred to, and, as every post office is required to report, several weeks must elapse before all can be received and properly arranged for the month of January.

Desiring, however, to furnish, as far as possible, the information called for by the resolution of the Senate, I directed a statement to be made up from the returns of such of the offices as have reported to the department, embracing most of those of the principal cities. Many of these returns are imperfect. At some of the large offices, including Washington, District of Columbia, the weight of free matter, both written and printed, was taken *in bulk*, and the postage thereon calculated by weight *in gross*, at the established rates, instead of by each single rate, thus losing all the fractions, which carry additional rates, if each letter or package had been rated separately. If the ordinary method of rating postage had been observed at such offices the amount reported

by them would have been increased about $33\frac{1}{3}$ per cent. In some of the offices the circulars were not received in time to commence their account at the beginning of the month, and in others the instructions of the department were not properly understood and enforced.

The following summary will exhibit results as reported in 454 post offices:

Returns from four hundred and fifty-four post offices for month of January, 1870.

Number of letters sent, 666,901.

Postage thereon, at regular rates. \$117,399 73

Weight of printed matter sent, 346,194 lbs.

Postage thereon, at regular rates 42,334 36

Cost of free matter sent from 454 post offices 159,734 09

Considering this exhibit, I think it safe to estimate that if postage, at regular rates, had been charged and collected on the free matter sent during the month of January last from all the post offices of the United States, numbering, on the 1st of January, 27,562, the aggregate amount would have exceeded \$200,000; at this rate the total for one year would reach \$2,400,000.

It will afford me pleasure, from time to time, to communicate to the Senate additional and more specific information as the same shall be received and tabulated.

The following statement of the number of persons entitled by law to frank mail matter was embraced in my annual report of November 15, 1869, in which is given the number of persons "now entitled by law to frank mail matter in each executive department, respectively:"

Statement of officials exercising the franking privilege.

President of the United States and his secretary	2
Vice-President	1
Members of the Cabinet	7
United States Senators	74
Members of Congress	241
Delegates in Congress	5
Secretary of Senate and Clerk of House of Representatives	2
Assistant secretaries, chief clerk, &c., State Department	4
Assistant Attorney General and chief clerk	2
Assistant secretary, commissioners, chief clerk, &c., Interior Department	13
Chiefs of bureaus, chief clerk, &c., of Navy Department	17
Chiefs of bureaus, chief clerk, &c., of War Department	21
Assistant secretaries, chief clerks, &c., of the Treasury Department	42
Assistant postmasters general, superintendents of foreign mails and money-order system, and chief clerks, Post Office Department	9
	440
Add internal revenue officers, (assessors and assistant collectors and deputies)	4,115
Postmasters, on 1st November, 1869	27,378
Total	31,933

In addition to the foregoing, the franking privilege was granted to Mary Lincoln, widow of Abraham Lincoln, by act of February 10, 1866, and to the Congressional Printer, by act of March 9, 1868.

With regard to the character and extent of the privilege granted to each person, I beg to refer to the act of 3d March, 1863, by which "authority to frank mail matter was conferred upon, and limited to," the persons therein named.

By one of the resolutions aforesaid, I am also directed "to communicate to the Senate the facts upon which the allegations of fraud and abuse in the exercise of the said franking privilege, contained in the said petitions, are founded."

To this I reply, that from the nature of the case it is impossible to give precise information on this point. Franked matter is always sealed by the sender, and hence the contents of such packages are closed against inspection by the officers of the department. The law does not permit the breaking of a seal for the purpose of examining franked matter, and to all applications for authority to violate a seal for that purpose I have replied, "that the seal is sacred and cannot be disturbed, except in the few cases warranted by law." This fundamental rule, which must at all hazards be maintained, protects fraudulent equally with lawful matter. It is only the comparatively small amount of free matter now returned to the Dead Letter Office that can be subjected to an open examination. From this quarter alone not a few cases have been reported to the department where books, papers, and circulars, not printed by order of Congress, and even business and social circulars, have been transmitted under cover of a frank, and afterward returned to the Dead Letter Office, having failed to reach the persons addressed.

In most of these cases it is true that the franks have been ascertained to be forgeries, but not until after the department has been subjected to double, and sometimes treble, carriage, and often to frequent and tedious manipulations.

The practice of returning non-delivered letters to the name of the person indorsed thereon, although attended thus far with the most satisfactory general results, still further impedes the detection of fraudulent franks, for when the package is sent to the person whose frank has been unlawfully used the evidence of the fraud is frequently destroyed, instead of being returned to the department with the name of the offender. No amount of labor or industry would enable the department to present the facts in detail as to frauds under cover of the franking privilege. It could not be done, even if the Post Office Department should employ a corps of detectives for this work alone as large as the entire force of special agents now at its command, and the attempt would involve a continuous contest with all who are entitled to exercise the privilege. If the facts of each particular case could be ascertained remedies could be applied, and it would then only be necessary to *reform* the franking privilege. The system itself must be denounced, because it invites to fraud with a promise of impunity; and hence I repeat what I have already said, in the language of another, "there is no middle ground between no franking and boundless franking."

Although unable to give facts in detail, it is yet notorious that the frauds which have been perpetrated under cover of the franking privilege have been enormous. Beside the cases mentioned above, which are continually occurring, I hope I may be permitted, without offense, to state that in times of excited political campaigns the various parties have not hesitated to employ it to transmit whatever of printed matter they may have wished to disseminate. This practice has grown into a

bad custom, which can only be abolished by repealing the privilege under which it finds shelter.

I am happy, however, to be able to say that under the recent agitation for the repeal of the franking privilege there has been a great increase in the amount of postage stamps and stamped envelopes ordered and issued for the month of January, 1870, over the amount ordered and issued for the same month of the preceding year. The following table will exhibit this comparison in detail:

Comparative statement of stamps and stamped envelopes ordered and issued to postmasters, United States consuls, &c., during the months ending January 31, 1869 and 1870.

STAMPS.

Denominations.	JANUARY, 1869.		JANUARY, 1870.	
	Ordered.	Value.	Ordered.	Value.
1-cent.....	1, 766, 200	.....	2, 700, 700	.....
2-cent.....	8, 308, 100	.....	10, 417, 750	.....
3-cent.....	46, 315, 300	.....	53, 915, 100	.....
5-cent.....	214, 300	.....	.....	.....
6-cent.....	.....	.....	1, 167, 450	.....
10-cent.....	596, 350	.....	672, 520	.....
12-cent.....	505, 525	.....	263, 375	.....
15-cent.....	468, 540	.....	301, 980	.....
24-cent.....	32, 775	.....	33, 975	.....
25-cent.....	100	.....	.....	.....
30-cent.....	33, 280	.....	43, 450	.....
90-cent.....	4, 100	.....	3, 650	.....
Total value.....	.....	\$1, 796, 142	.....	\$2, 093, 290
				1, 796, 142
			Gain.....	297, 148

ENVELOPES.

Denominations.	JANUARY, 1869.		JANUARY, 1870.		
	Plain.	Request.	Plain.	Request.	Value.
1-cent, circular and drop.....	5, 000	4, 000	1, 000	3, 000	.....
2-cent, circular.....	531, 750	.....	377, 500	.....	.....
2-cent, drop-letter.....	215, 500	54, 500	396, 750	58, 500	.....
3-cent, No. 1.....	184, 750	2, 000	228, 000	7, 000	.....
2d quality, 3-cent, No. 2.....	728, 750	266, 500	947, 000	332, 000	.....
1st quality, 3-cent, No. 2.....	4, 646, 000	2, 807, 500	4, 029, 750	2, 968, 500	.....
3-cent, extra size.....	101, 000	288, 000	293, 500	475, 500	.....
6-cent, No. 2.....	3, 500	1, 000	7, 600	3, 000	.....
10-cent, No. 2.....	.....	.....	6, 100	.....	.....
3-cent, official.....	16, 900	31, 000	30, 200	28, 500	.....
6-cent, official.....	16, 400	5, 000	12, 000	9, 000	.....
9-cent, official.....	.....	.....	500	.....	.....
12-cent, official.....	3, 000	.....	500	.....	.....
18-cent, official.....	.....	.....	.....	.....	.....
24-cent, official.....	.....	.....	.....	.....	.....
30-cent, official.....	.....	.....	.....	.....	.....
40-cent, official.....	.....	.....	.....	.....	.....
2-cent, extra circular.....	43, 000	7, 000	72, 500	3, 000	.....
Wrappers, 2-cent.....	441, 500	.....	564, 500	.....	.....
Total value.....	\$226, 024 68	\$120, 046 20	\$225, 240 68	.....	\$135, 014 70
	225, 240 68	.....	.....	.....	120, 046 20
Loss.....	784 00	.....	Gain.....	.....	14, 968 50

Briefly stated, the results are :

Gain on stamps for January, 1870, over January, 1869.....	\$297, 148 00
Gain on stamped envelopes and wrappers.....	14, 968 50
Total gain.....	312, 116 50
Less loss on plain (non-request) envelopes.....	784 00
Actual net gain.....	311, 332 50

It might be claimed that a considerable part of this extraordinary gain is owing to the fact that a sound public sentiment, and the knowledge that all free matter was then undergoing a careful inspection and computation in all post offices, have induced many persons to purchase postage stamps, who previously had found some more economical, though less patriotic way of forwarding their mail matter.

After a careful and impartial reconsideration of the whole subject, I am confirmed in my opinion that the popular demand for improvement in the postal service can only be met by first repealing the franking privilege. In my judgment, no system can be devised, consistent with the rights and interests of the people, that can tolerate its longer continuance. We are now called upon to administer the postal service for over forty million people, increasing in numbers at the rate of more than three per cent. per annum.

To discharge that duty faithfully, we shall be compelled to give cheaper and enlarged facilities to the great mass of our population, and to invite them to make their willing contributions to the support of our postal establishment, by proving it to be equal in all respects to the best of other nations.

By comparing the receipts (I say nothing about expenditures) of the postal service of the United States with the receipts of that of the United Kingdom of Great Britain and Ireland, it will appear that the two-cent rate of the latter, *without the franking privilege*, yields a much greater revenue than the three cent rate of the former *with the franking privilege*. The following table has been carefully prepared :

Postal service of the United States and United Kingdom compared for the year 1867-'68.

	United States, year ending June 30, 1868.	United Kingdom, year ending De- cember 30, 1867.
Population.....	*40, 092, 356	30, 305, 284
Number of letters delivered.....	*488, 000, 000	774, 831, 000
Number of letters to each person	12	26
Gross revenue.....	\$16, 232, 148 16	\$23, 341, 070 00
Amount of revenue to each person of aggregate population....	40	77

* Estimated.

Why should not the number of letters and the revenue to each person in the United States be as great as the number of letters and the revenue to each person in the United Kingdom? If they were so, the gross postal receipts of the United States would have amounted, in 1868, to \$30,879,053, or nearly double the actual receipts for that year.

I believe sincerely that the time has come to attempt such reforms as will make our postal service worthy of our country and people. I believe, with equal sincerity, that these reforms cannot be made while the

franking privilege is allowed to continue. Hence, I most earnestly renew my recommendation for its repeal.

Doubtless, a measure of so much importance may be safely committed to an enlightened and patriotic Congress.

I am, with great respect, your obedient servant,

JNO. A. J. CRESWELL,
Postmaster General.

Hon. SCHUYLER COLFAX,
Vice-President of the United States.

Post office.	State.	Number of sealed letters sent.	Amount of postage chargeable at established rates.	Public documents, seeds, &c.	Amount of postage chargeable at established rates.
				Lbs. oz.	
Eufaula	Alabama	300	\$9 00		
Huntsville	do.	285	23 24		
Montgomery	do.	1,111	40 80	144 04	\$41 16
Selma	do.	1,449	46 20	141 10	11 33
Boonsboro	Arkansas	100	3 00		
Little Rock	do.	1,212	164 04	648 12	96 99
Grass Valley	California	178	5 34		
Los Angeles	do.	90	6 33		
Sacramento	do.	166	22 11	274 00	24 64
San Francisco	do.				
Bridgeport	Connecticut	183	15 48		
Hampden	do.	60	3 09		
Hartford	do.	2,168	70 02	53 04	4 26
Lime Rock	do.	350	11 34	2 00	32
Middletown	do.	433	20 73	11 09	1 98
New Haven	do.	1,313	87 15		
New London	do.	154	15 82		
Norwalk	do.	39	3 83	5 10	90
Rockville	do.	209	15 36	25 00	2 00
Stonington	do.	67	4 38		
Waterbury	do.	117	5 40	4 02	26
West Meriden	do.	380	12 81	2 10	24
Milford	Delaware	105	5 45		
Wilmington	do.	658	46 62	138 03	12 94
Jacksonville	Florida	636	141 16		
Key West	do.	154	18 99		
Pensacola	do.	479	14 37		
Tallahassee	do.	362	33 42	22 00	3 48
Warrington	do.	213	29 97	23 00 $\frac{1}{2}$	3 70
Albany	Georgia	343	11 63	1,266 04	202 60
Columbus	do.	375	12 42		
Dalton	do.	229	6 90		
Macon	do.	1,070	136 97	7 06	1 54
Savannah	do.	1,471	71 66	17 12	1 42
Warrenton	do.	30	3 60		
Belvidere	Illinois	224	6 72	02 $\frac{1}{2}$	15
Bellville	do.	581	32 82	33 11	4 12
Bloomington	do.	157	10 05		
Chicago	do.	89,619	1,345 36	183 08	33 56
Centralia	do.	450	13 50	91 12	7 34
Carlinville	do.	92	3 64		
Carbondale	do.	230	11 63	3 11	60
Dixon	do.	331	9 33		
Decatur	do.	140	4 20		
Duquoin	do.	305	10 17		
Elgin	do.	223	7 69	6 08	6 49
Elmwood	do.	171	5 13		
Freeport	do.	635	37 17	2 04	36
Farmington	do.	190	7 38		
Galesburg	do.	149	6 56		
Golconda	do.				
Griggsville	do.	231	6 93		
Galena	do.	274	17 52		
Jacksonville	do.	667	20 01	1,062 00	169 92
Litchfield	do.	187	5 61		
Lincoln	do.	239	7 87	6 03	50
Lebanon	do.	143	7 17	5 08	88
Lacon	do.	81	8 05		
Monmouth	do.	396	16 26	70 00	5 60
Minonk	do.	241	8 76		

Post office.	State.	Number of sealed letters sent.	Amount of postage chargeable at established rates.	Public documents, seeds, &c.	Amount of postage chargeable at established rates.
				Lbs. oz.	
Morrison	Illinois	170	\$6 42		
Oakalla	do	156	7 47		
Ottawa	do	116	5 34	139 08	\$9 18
Peoria	do	2,068	309 49	9 04	1 48
Prophetstown	do	79	5 46	184 13	15 52
Pittsfield	do	270	8 10	10	12
Plano	do	102	3 24		
Peru	do	78	2 34		
Rockford	do	160	33 31		
Rosefield	do	135	4 15	4 00	68
Shawneetown	do	101	3 03		
Sycamore	do	174	7 88		
Springfield	do	1,365	82 25	447 12	66 68
Streator	do	117	3 72		
Sandwich	do	121	4 45		
Sterling	do	247	17 10		
Vermont	do	105	5 64		
Virden	do	168	5 17		
Watseca	do	311	14 44	121 04	11 14
Aurora	Indiana	720	45 88		
Bluffton	do	122	4 53		
Brookville	do	277	15 37	51 01	4 09
Centreville	do	20	84	104 00	16 64
Colesburg	do	1	03	56 00	8 96
Columbus	do	326	15 13	50 06½	4 04
Connersville	do	720	21 60	87 00	6 96
Elkhart	do	153	4 74		
Evansville	do	919	69 21	1,113 13	176 20
Goshen	do	303	15 72		
Greensburg	do	126	4 56		
Greenfield	do	192	7 92		
Jeffersonville	do	251	23 25		
Kokomo	do	96	5 68		
Lafayette	do	514	22 23	20 10	1 65
La Grange	do	125	4 80		
Laporte	do	456	21 30	2 08	30
Madison	do	115	5 58	32 00	4 64
Merom	do	79	2 37		
Mishawaka	do	87	2 61	18 00	2 88
Muncie	do	138	4 14		
New Albany	do	514	33 27	4 00	32
Northfield	do	24	72	12 00	1 92
Patriot	do	99	2 97	3 02	50
Princeton	do	161	10 35	36 10	37 74
Shelbyville	do	146	4 97		
South Bend	do	524	18 31	190 00	3 94
Terre Haute	do	665	29 08	32 12	5 24
Valparaiso	do	392	9 48		
Wabash	do	293	9 72		
Warsaw	do	233	9 27		
Waterloo City	do	60	4 50		
Burlington	Iowa	444	17 04		
Boonesboro	do	73	4 76		
Blairstown	do	54	2 16		
Council Bluff	do	1,866	55 98		
Cedar Rapids	do	278	9 93		
Clermont	do	91	4 02		
Davenport	do	451	20 26		
Des Moines	do	325	17 00	4 03	94
Elgin	do	345	15 95	04	08
Fort Madison	do	156	8 67		
Fort Dodge	do	220	12 00	300 00	48 00
Fairfield	do	57	4 50		
Iowa City	do	582	36 08		
Indianola	do	160	4 80		
Keokuk	do	591	27 28		
Lyons	do	163	6 40	2 00	32
Muscatine	do	231	8 78		
Mount Vernon	do	170	5 22		
Marshalltown	do	341	13 92	17 00	1 36
Montano	do	141	4 23	428 02	68 50
Nevada	do	73	4 11	9 04	1 08
Sigourney	do	412	12 36	2 00	32
Sioux City	do	330	15 29		
Sidney	do	177	9 11	24 02	2 28
Tipton	do	164	5 76		

Post office.	State.	Number of sealed letters sent.	Amount of post- age chargeable at established rates.	Public documents, seeds, &c.	Amount of post- age chargeable at established rates.
				Lbs. oz.	
Vinton	Iowa	237	\$8 03		
West Union	do	37	1 68		
Hays City	Kansas	292	43 78		
Iola	do	130	3 93		
Junction City	do	489	57 40	24 12	\$2 72
Leavenworth	do	374	79 47		
Maysville	do	115	3 45		
Mound City	do	136	4 63		
Salina	do	311	9 33		
Allensville	Kentucky	128	6 06	5 00	80
Bowling Green	do	151	9 82	38 10	4 58
Carrollton	do	73	3 22		
Catlettsburg	do	61	2 25		
Covington	do	351	13 91	84 08	6 76
Cynthiana	do	185	9 41		
Danville	do	350	13 61		
Elizabethtown	do	251	13 80	13 00	1 04
Flint Island	do	70	3 84		
Greensburg	do	319	12 56	107 09	8 60
Hardensburg	do	28	2 94	2 00	16
Lancaster	do	171	11 04	4 06	36
Louisville	do	7,900	352 68	8 10	1 98
Maysville	do	385	17 60		
Newport	do	487	28 77	27 08	4 40
Nicholasville	do	124	8 13		
Princeton	do	126	7 34	22 08	4 38
Somerset	do	190	19 33		
Versailles	do	60	4 50		
Williamstown	do	114	3 88	04	02
Baton Rouge	Louisiana	257	14 76	240 00	38 40
Carrollton	do	30	93	103 12	16 60
Munroe	do	128	8 98	28 00	2 24
New Orleans	do	14,300	429 00	500 00	40 00
Augusta	Maine	665	25 07	249 00	46 73
Bangor	do	399	21 12	04	08
Belfast	do	74	5 77		
Biddeford	do	562	18 75		
Eastport	do	87	30 00		
Gardiner	do	154	6 06		
Farmington	do	117	5 18		
Hallowell	do	111	4 17		
Lincolnville	do	41	2 43		
Orono	do	30	1 59		
Portland	do	4,109	245 94	426 03	53 30
Rockland	do	44	4 97		
Wilton	do	20	1 50		
Annapolis	Maryland	517	26 49	16 01	11 37
Baltimore	do	6,381	335 44	11 05	1 08
Belair	do	150	6 35		
Cambridge	do	9	57		45 80
Chestertown	do	224	7 88	40 12	5 92
Elkton	do	127	8 80	10	06
Fort Washington	do	118	12 78		
Frederick	do	214	23 60		
Pikesville	do	152	4 56		
Port Deposit	do	243	7 26		
Salisbury	do	101	3 03	35 02	2 82
Westminister	do	142	8 52		
Amherst	Massachusetts	179	7 12		
Boston	do	17,459	797 17	7,646 03	315 31
Chelsea	do	168	9 69	19 00	1 52
Clinton	do	134	4 39	3 14	1 95
Charlestown	do	598	38 61	617 04	98 76
Cambridge	do	203	16 79		
Cambridgeport	do	193	8 17		
Concord	do	91	3 21	1 00	08
Fitchburg	do	107	4 80	26 04	4 10
Gloucester	do	128	10 88	19 04	8 71
Great Barrington	do	114	4 68		
Lawrence	do	247	10 08		
Lowell	do	263	15 18	2 00	16
Milford	do	161	5 71		
New Bedford	do	728	57 68	66 00	10 62
Newburyport	do	290	30 25	29 00	2 32
Pittsfield	do	190	10 04	1 14	30
Plymouth	do	195	7 04		

Post office.	State.	Number of sealed letters sent.	Amount of postage chargeable at established rates.	Public documents, seeds, &c.	Amount of postage chargeable at established rates.
				<i>Lbs. oz.</i>	
Springfield	Massachusetts	1,408	\$55 94	2 15	\$0 90
Salem	do.	476	28 27		
Stoughton	do.	60	2 16	202 04	16 18
Taunton	do.	68	3 03	4 05	4 14
Worcester	do.	897	27 92	30 08	2 44
Weymouth	do.	19	2 16		
Williamstown	do.	135	4 17	2 00	32
Watertown	do.	76	7 91		
Winchendon	do.	101	3 25		
Adrian	Michigan	109	5 58		
Albion	do.	191	6 46		
Ann Arbor	do.	90	10 31		
Bay City	do.	288	11 79	48 12	3 90
Flint	do.	332	9 96	8 08	1 36
Grand Haven	do.	40	3 69		
Grand Rapids	do.	578	33 18		
Hillsdale	do.	408	14 88		
Howell	do.	152	10 94	8 00	48
Jackson	do.	386	18 68	30 00	2 40
Lansing	do.	204	7 65		
Lowell	do.	153	4 87		
Monroe	do.	149	7 05		
Mt. Clemens	do.	107	3 51		
Niles	do.	111	3 33		
Otsego	do.	29	1 17		
Quincy	do.	146	4 94	13 07	1 08
Romeo	do.	521	15 63	65 05	5 23
St. Clair	do.	139	4 17	14 04	3 38
St. Johns	do.	206	8 71		
Ypsilanti	do.	195	8 40	2 08	40
Albert Lea	Minnesota	186	5 64		
Chatfield	do.	127	4 65		
Clinton	do.	1,029	14 17		
Minneapolis	do.	890	30 21		
Mantorville	do.	99	5 34	37 04	2 98
Red Wing	do.	155	4 98		
St. Paul	do.	976	106 99	580 00	46 44
St. Cloud	do.	64	9 93		
Wabashaw	do.	256	7 86		
Winona	do.	179	14 07		
Corinth	Mississippi	584	47 18		
Natchez	do.	152	27 90	560 00	44 80
Vicksburg	do.	487	30 11		
Brunswick	Missouri			100 00	16 00
Carrollton	do.	121	4 95		
Cape Girardeau	do.	181	7 13		
Cameron	do.	179	6 15		
Cornelia	do.	75	2 25		
Greenfield	do.	24	99	33 14	2 72
Hamilton	do.	72	2 16		
Ironton	do.	263	15 22	117 12	113 06
Jefferson Barracks	do.	876	26 28		
Maysville	do.	135	4 50		
New Florence	do.	100	5 00		
Palmyra	do.	210	7 50		
Springfield	do.	270	20 16		
Saint Charles	do.	105	9 45	3 18	66
Shelbina	do.	181	6 17	5 00	1 48
Saint Joseph	do.	1,969	75 87	30 08	2 44
Saint Louis	do.	6,581	197 50		
Sarcoxié	do.	100	2 86		
Sedalia	do.	640	19 31	33 02	2 65
Savannah	do.	119	9 37		
Warrensburg	do.	254	11 20		
Weston	do.	306	7 85		
Cottonwood Springs	Nebraska	285	12 96		
Fremont	do.	185	6 15		
North Platte	do.	57	4 56		
Omaha Barracks	do.	113	9 07		
Hamilton	do.	11	63	20 07	16 82
Concord	New Hampshire	945	34 66	43 08	8 21
Exeter	do.	113	5 49	17	12
Keene	do.	268	15 61		
Laconia	do.	105	3 46		
Lancaster	do.	155	4 65		
Manchester	do.	565	26 81	50 00½	4 16

Post office.	State.	Number of sealed letters sent.	Amount of post- age chargeable at established rates.	Public documents, seeds, &c.	Amount of post- age chargeable at established rates.
				Lbs. oz.	
Nashua	New Hampshire ..	613	\$19 96		
Peterborough	do	115	4 53		
Plymouth	do	165	6 33	13 05	\$2 02
Portsmouth	do	491	73 49		
Camden	New Jersey	320	15 99		
Jersey City	do	126	21 88	4 10	96
Newark	do	772	63 29	60 00	9 60
New Brunswick	do	479	14 37		
Paterson	do	303	13 48	13 12	8 18
Phillipsburg	do	76	2 28	3 00	28
Plainfield	do	139	8 28	2 08	20
Princeton	do	55	5 16	1 08	24
Salem	do	127	6 15	55 04	4 42
Trenton	do	1,081	71 91	14 05	2 74
Albany	New York	5,766	360 07	130 00	11 70
Buffalo	do	6,589	348 00	07	18
Blimebeck	do	109	5 19	09	06
Brooklyn	do	2,271	106 61	11 01	1 46
Binghamton	do	334	15 50	6 02	88
Bath	do	104	3 36		
Bergen	do	83	3 21		
Corning	do	633	19 32	94	15 04
Canastota	do	206	14 79		
Catskill	do	275	13 80	18 09	5 10
Cuba	do	65	2 16		
Dover	do	79	2 37	14 04	2 64
Dansville	do	114	5 58		
Elmira	do	872	32 44	5 10	5 40
Fredonia	do	142	7 45		
Franklin	do	93	6 49	4 14	78
Fort Hamilton	do	73	14 50		
Fowlerville	do	50	3 00	110 00	17 60
Hornellsville	do	128	3 84		
Hudson	do	372	27 00		
Jamestown	do	95	7 92	12 00	1 92
Jamaica	do	34	1 59	9 04	82
Kenderhook	do	149	8 70	2 14	18
Keeseville	do	117	6 46		
Little Falls	do	335	19 24		
Long Island City	do	102	3 06	30 04	2 45
Lowville	do	154	20 25		
Lyons	do	111	6 34	50 12	11 11
Malone	do	310	12 08	77 13	6 84
Medina	do	263	11 17	136 04	10 90
Mount Morris	do	198	7 98	63 13	5 10
Middleton	do	153	9 37	28 15	2 46
Monticello	do	66	3 09	6 00	96
Massena	do	54	1 74		
Newburg	do	1,375	41 25		
New York City	do	76,887	88,282 02	1,944 04	155 84
Owego	do	358	14 28	5 02	4 42
Oswego	do	552	78 12	22 08	3 91
Ogdensburg	do	618	33 07		
Penn Yan	do	93	5 03		
Poughkeepsie	do	531	31 19	10 15	3 82
Palmyra	do	125	9 99	97 02	7 78
Randolph	do	183	5 49	36 13	2 96
Rome	do	227	13 32	93 03	7 46
Schenectady	do	144	6 87	2 00	32
Saratoga Springs	do	305	12 21		
Sackett's Harbor	do	76	7 14		
Sing Sing	do	109	7 48	111 08	16 80
Seneca Falls	do	237	8 01		
Tompkinsville	do	15	3 45		
Three Mile Bay	do	30	32 67		
Utica	do	422	26 06	12 01	1 50
West Macedon	do	214	7 32		
Watertown	do	351	13 52	366 00	29 28
Westchester	do	108	14 75		
West Troy	do	63	5 63		
West Point	do	162	17 73		
Wellsville	do	28	2 52	994 00	49 60
West Port	do	70	2 22		
Yonkers	do	135	6 20	12	72
Fayetteville	North Carolina	85	5 57	3 13	40
Greensboro	do	423	32 82	5 08	66

Post office.	State.	Number of sealed letters sent.	Amount of postage chargeable at established rates.	Public documents, seeds, &c.	Amount of postage chargeable at established rates.
				<i>Lbs. oz.</i>	
High Point	North Carolina	105	\$3 34	1 12	\$0 30
Lincolnton	do	96	2 88	23 00	3 69
Newbern	do	454	24 51	29 04	2 34
Plymouth	do	160	5 60		
Raleigh	do	1, 614	92 27	16 12	1 64
Weldon	do	125	5 61		
Washington	do	380	15 90	10 00	80
Williamston	do	94	2 83		
Wilmington	do	807	32 49	8 00	7 68
Ashland	Ohio	240	12 00	44 06	3 66
Ashtabula	do	324	11 02	6 07	52
Athens	do	245	22 98		
Bellefontaine	do	88	4 09	933 12	149 16
Bellevue	do	220	6 72	10 04	9 81
Berea	do	114	3 51	722 02	12 84
Bryan	do	220	6 60	25 08	4 54
Bucyrus	do	188	9 11	14 07	1 42
Cambridge	do	154	8 48	56 08	4 52
Chillicothe	do	112	9 99	20 00	1 60
Cincinnati	do	17, 263	631 66	55 05	4 76
Circleville	do	264	17 38		
Clyde	do	186	5 58		
Dayton	do	2, 068	62 04	70 04	6 60
Delaware	do	65	6 74		
Eaton	do	53	3 12		
Finley	do	209	7 47		
Greenfield	do	119	5 71		
Jackson	do	129	4 97		
Kenton	do	235	9 23	64 05	5 70
Kinsman	do	109	5 40		
Lima	do	278	10 84		
London	do	164	6 26		
Lynchburg	do	144	4 32		
Mansfield	do	440	16 08	7 02	1 14
Medina	do	38	1 17	352 02	27 18
Milford	do	156	7 52		
Millersburg	do	51	2 93		
Morgan	do	183	5 81		
Mount Gilead	do	89	3 35		
Napoleon	do	32	2 40		
Newark	do	145	7 27	3 00	1 96
Paint	do	130	7 74		
Piqua	do	317	15 54		
Plainville	do			18 00	2 88
Portsmouth	do	305	23 62		
Ripley	do	146	9 73		
Salem	do	103	7 50	201 12	30 32
Sandusky	do	597	18 60		
Scritoville	do	122	11 94	40 01	6 42
Shelby	do	178	6 15		
Springfield	do	425	14 24		
Steubenville	do	502	22 89	935 10	40 45
Toledo	do	2, 459	75 68		
Upper Sandusky	do	234	15 98	5 09	46
Urbana	do	199	5 97	39 07	3 16
Wellington	do	198	7 02		
Youngstown	do	226	11 22		
Allentown	Pennsylvania	259	11 42	131 00	10 48
Belbend	do	50	1 50		
Butler	do	191	10 38		
Bannerville	do	276	8 28		
Bedford	do	202	10 32	451 08	36 12
Berwick	do	91	3 15		
Carlisle	do	409	43 44	3 00	24
Chester	do	176	9 13		
Conneautville	do	105	5 85		
Chambersburg	do	228	8 91	12	12
Clarion	do	69	4 20		
Carbondale	do	28	2 25	1 00	16
Doylestown	do	76	7 80		
Danville	do	151	7 29		
Erie	do	685	37 67		
Easton	do	182	7 29	44 00	3 52
Eyer's Grove	do	67	2 01		
Franklin	do	304	14 59	28 02	4 50
Greensburg	do	211	9 96		

Post office.	State.	Number of sealed letters sent.	Amount of postage chargeable at established rates.	Public documents, seeds, &c.	Amount of postage chargeable at established rates.
				<i>Lbs. oz.</i>	
Huntingdon.....	Pennsylvania.....	190	\$8 34	16 08	\$2 64
Honesdale.....	do.....	234	8 52		
Harrisburg.....	do.....	817	31 54	14 03	3 25
Johnstown.....	do.....	142	9 93	231 00	35 18
Lancaster.....	do.....	745	43 76		
Meadville.....	do.....	290	8 70		
Montrose.....	do.....	159	7 12	163 09	13 06
Melford.....	do.....	76	2 66		
New Brighton.....	do.....	223	6 69	3 13	32
Pottstown.....	do.....	124	8 45		
Pottsville.....	do.....	557	36 72	6 02	66
Phoenixville.....	do.....	125	5 04		
Pittsburg.....	do.....	744	58 14		
Philadelphia.....	do.....	5,974	541 95	415 12	36 28
Pleasantville.....	do.....	273	10 50		
Petroleum Centre.....	do.....	246	7 38		
Pithole City.....	do.....	110	3 30		
Quincy.....	do.....	55	1 65		
Reading.....	do.....	777	36 76	59 08	9 52
Selin's Grove.....	do.....	134	8 05	114 14	18 38
Sharon.....	do.....	306	10 29		
Shamburg.....	do.....	245	7 35		
Tidioute.....	do.....	145	4 65	138 02	22 10
Towanda.....	do.....	453	18 81	4 09	58
Titusville.....	do.....	525	17 88		
Wilkesbarre.....	do.....	220	17 13	7 02	1 16
West Chester.....	do.....	232	6 96	1 10	14
Williamsport.....	do.....	215	14 44		
Waynesborough.....	do.....	84	3 15		
York.....	do.....	156	24 04	18 02	2 14
Newport.....	Rhode Island.....	486	31 32		
Olneyville.....	do.....	83	2 53	4 04	34
Providence.....	do.....	1,031	100 66	6 08	52
Beaufort.....	South Carolina.....	120	10 62	3 00	2 88
Columbia.....	do.....	666	61 56	16 12	2 68
Darlington.....	do.....	55	9 04		
Athens.....	Tennessee.....	26	1 41	16 04	3 50
Carthage.....	do.....	173	11 90	18 00	2 88
Charleston.....	do.....	280	8 40		
Chattanooga.....	do.....	195	21 84		
Columbia.....	do.....	236	26 17		
Huntingdon.....	do.....	155	6 69		
Jackson.....	do.....	317	9 81	10 14	1 74
Knoxville.....	do.....	536	59 34	7 11	61
Kingston.....	do.....	82	3 35		
Memphis.....	do.....	546	27 65	26 08	72
Nashville.....	do.....	4,442	133 26	5 00	80
Paris.....	do.....	173	5 19		
Springfield.....	do.....	114	11 38	9 00	2 55
Austin.....	Texas.....	734	90 30		
Port McKavitt.....	do.....	106	9 54		
Galveston.....	do.....	1,424	42 72		
Houston.....	do.....	1,456	50 61		
Indianola.....	do.....	620	21 73	21 00	8 40
Waco.....	do.....	38	3 48		
Burlington.....	Vermont.....	483	98 20	3 10	60
Montpelier.....	do.....	493	19 41	127 13	19 30
Windsor.....	do.....	217	8 91	1,102 08	88 20
Alexandria.....	Virginia.....	1,101	33 03	29 10	4 76
Charlottesville.....	do.....	70	3 87		
Christiansburg.....	do.....	106	3 48		
Farmville.....	do.....	130	5 56		
Fredericksburg.....	do.....	201	9 33	14	06
Fincastle.....	do.....	179	6 47		
Harrisonburg.....	do.....	183	5 49	7 01	1 13
Lexington.....	do.....	547	16 41		
Lynchburg.....	do.....	851	52 97		
Manchester.....	do.....	123	7 18	11 04	1 80
Norfolk.....	do.....	1,199	109 19		
Old Point Comfort.....	do.....	367	33 21		
Petersburg.....	do.....	1,132	46 36		
Portsmouth.....	do.....	404	40 72		
Richmond.....	do.....	4,640	284 03	23 00	2 24
Salem.....	do.....	120	6 93		
Staunton.....	do.....	460	13 80		
Winchester.....	do.....	440	18 90		

Post office.	State.	Number of sealed letters sent.	Amount of postage chargeable at established rates.	Public documents, seeds, &c.	Amount of postage chargeable at established rates.
				<i>Lbs. oz.</i>	
Arnettsville.....	West Virginia	200	\$6 00		
Cabell C. H.....	do.	64	3 27	8 08	\$0 68
Concord Church.....	do.	120	3 60		
Grafton.....	do.	189	13 54		
Martinsburg.....	do.	308	12 90		
Morgantown.....	do.	245	12 07		
Weston.....	do.	91	3 30		
Wheeling.....	do.	592	22 32	39 13	7 94
Beaver Dam.....	Wisconsin	158	4 74		
Beloit.....	do.	33	2 15	6 08	40
Boscobel.....	do.	171	7 68	11	08
Calvary.....	do.	155	6 50		
Eau Claire.....	do.	282	12 84		
Fort Atkinson.....	do.	156	6 36		
Green Bay.....	do.	16	18 40		
La Crosse.....	do.	305	26 70	234 19	26 15
Madison.....	do.	1,032	53 82	90 12	8 46
Mauston.....	do.	128	4 08		
Milwaukee.....	do.	4,500	138 22	10 00	1 00
Portage City.....	do.	238	8 37		
Prairie du Sac.....	do.	39	2 61	70 00	7 56
Ripon.....	do.	257	8 07	2 03	18
Racine.....	do.	419	14 02	26	14
Reedsburg.....	do.	79	2 55		
Sparta.....	do.	142	7 18	66 10	10 58
Sauk City.....	do.			65 00	5 20
Tomah.....	do.	85	2 85	20 00	3 20
Viraqua.....	do.	320	9 60		
Watertown.....	do.	456	17 52	3 12	30
Waterloo.....	do.	97	2 91		
Booneville.....	Colorado	40	4 86		
Denver.....	do.	553	31 19	14 00	1 12
Elk Point.....	Dakota	166	7 09		
Fort Abercrombie.....	do.	111	20 31		
Yankton.....	do.	229	18 70		
Helena.....	Montana	406	33 27	16	12
Santa Fé.....	New Mexico	431	45 95		
Cheyenne.....	Wyoming	858	46 70	46 12	7 48
Fort Bridger.....	do.	58	3 56		
Fort Laramie.....	do.	83	10 05		
Laramie.....	do.	65	7 59	27 00	4 32
Sidney.....	do.	31	2 94		
Fort Sill.....	Indiana Territory	47	9 22		
Washington City.....	Dist. of Columbia	237, 127	14, 259 12	315, 830 11	38, 960 79
Total.....		666, 901	117, 399 73	346, 194 14	42, 334 36

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES

COMMUNICATING,

In compliance with a resolution of the Senate of February 21, 1870, correspondence relating to the imprisonment of Mr. Davis Hatch by the Dominican government.

MARCH 1, 1870.—Read, ordered to lie on the table and be printed.

To the Senate of the United States:

In answer to the resolution of the Senate of the 21st instant, directing the Secretary of State to furnish the Senate with copies of all correspondence relating to the imprisonment of Mr. Davis Hatch by the Dominican government, I transmit a report of the Secretary of State upon the subject.

U. S. GRANT.

WASHINGTON, *February 24, 1870.*

WASHINGTON, *February 24, 1870.*

The Secretary of State has received a resolution of the Senate, of the 21st instant, directing him to furnish the Senate with copies of all correspondence relating to the imprisonment of Mr. Davis Hatch by the Dominican government, and has the honor to lay before the President the papers upon the subject mentioned in the subjoined list.

HAMILTON FISH.

The PRESIDENT.

List of accompanying papers.

Mr. Smith to Mr. Fish, September 4, 1869.
Mr. Smith to Mr. Fish, September 9, 1869.
Mr. Smith to Mr. Fish, October 8, 1869.
Mr. Davis to Mr. Smith, November 15, 1869.
Mr. Perry to Mr. Fish, November 16, 1869.
Mr. Ferry to Mr. Fish, December 31, 1869.
Mr. Hatch to Mr. Ferry, December 30, 1869.
Mr. Hatch to Mr. Fish, December 30, 1869.
Mr. Fish to Mr. Ferry, January 3, 1870.
Mr. Ferry to Mr. Fish, January 11, 1870.
Mr. Hatch to Mr. Ferry, December 21, 1869.

Mr. Fish to Mr. Ferry, January 12, 1870.
 Mr. Fish to Mr. Perry, January 12, 1870.
 Mr. Ferry to Mr. Fish, February 2, 1870.
 Mr. Fish to Mr. Ferry, February 2, 1870.
 Mr. Perry to Mr. Fish, February 8, 1870.
 Mr. Perry to Mr. Gautier, February 5, 1870.
 Mr. Gautier to Mr. Perry, February 8, 1870.
 A communication from Mr. Felix M. Delmonte, February 8, 1870.

Mr. Smith to Mr. Fish.

ST. DOMINGO CITY, *September 4, 1869.*

SIR: I consider it my duty to bring to the knowledge of the department the critical situation of Mr. Davis Hatch, a citizen of the United States, who, it is reported, is under arrest at Barahona.

Mr. Hatch came to this country as the agent of a company consisting of Mr. August Schell, and other men of standing in the city of New York, for the purpose of working the salt mountain of "Neiba" and making a railroad to Barahona to facilitate the shipment of the salt. Mr. Hatch obtained the concession from the Spanish government, which was confirmed by the Cabral administration. When Mr. Baez returned to power, he sent for Mr. Hatch, as there had previously existed an unfriendly feeling. Mr. Hatch was brought by force on board a man-of-war to this capital, but on my representation, the difficulty between himself and the President was arranged amicably, and Mr. Hatch was allowed to return to Barahona. Some time since Barahona was taken by the revolutionary party, and they held it some months; it was retaken some three weeks ago, and it was rumored that Mr. Hatch had been arrested. I called at once on President Baez, who confirmed the rumor, and said, that charges had been preferred against him, and at my request I was promised a copy of said charges as soon as received by the government. Some two weeks having elapsed without my hearing further, I called on the 29th of August again on the President, and he informed me that he had given orders to send up Mr. Hatch to this city, but as he has not yet arrived, I feel great anxiety as to his actual position.

Mr. Hatch is a highly respectable gentleman, and as I have not heard from him for over four months, notwithstanding that Barahona is within twelve hours' sail of this city, I deem it my imperative duty to report the affair for the consideration of my government.

Mr. Smith to Mr. Fish.

ST. DOMINGO, *September 9, 1869.*

SIR: In my dispatch No. 93 I have the honor to inform you of the arrest of Mr. Davis Hatch at Barahona. I have since received a letter from Mr. Hatch, dated Azua, September 3, apprising me that he left Barahona by order of the government, on the 28th August, under a general order for the evacuation of the town, and arrived at Azua by sea on the 29th, and on landing was taken in charge by three dragoons,

and escorted through a drenching rain to the town some three miles from the landing, and was placed in the comandancia, where he remained throughout the night in his wet clothes. On the following day, he requested to have an interview with the commanding general, Ramirez, a half-brother of the President, as he was sure he could satisfy him of his being innocent of any complicity in the affairs of the government; he received a message from the general that he only wanted to take some declarations, which would be done shortly, after which, he, Mr. Hatch, could return on board the vessel and proceed to this city.

Up to the time of writing me, on the 3d, Mr. Hatch had not heard anything further from General Ramirez, and being fearful that from what was taking place he might be thrown in prison on his arrival here, he begged me to take some steps to guard against such an outrage. On reception of the letter, I immediately visited the President, and conversed the matter over; he informed me that a process had been instituted against Mr. Hatch at Azua, and that as soon as the proceedings were completed I should be furnished with a copy of the same, and that Mr. Hatch would be brought here; and that if the charges were not of a serious nature, he would not be deprived of his liberty.

I cannot communicate anything further until I see Mr. Hatch, and am acquainted with the accusations on which he has been arrested.

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Mr. Smith to Mr. Fish.

ST. DOMINGO CITY, *October 8, 1869.*

SIR: In my dispatch No. 94 I informed the department of the arrest of Mr. Davis Hatch, a citizen of the United States, at Barahona, and that he had been taken to Azua for trial, on charges of aiding the revolutionary party. On the 12th ultimo Mr. Hatch was brought to this city in the schooner of war Alta Gracia, and although sick at the time was locked up in prison, and incommunicated for forty-eight hours. I was present at his examination by the authorities, and in his answers to the interrogatories he denied having ever in any way interfered in the revolutionary struggle at present going on in this republic. On the 18th ultimo he was again placed on board the Alta Gracia and conveyed to Azua, where he was tried by a court-martial, and on the 2d instant he was condemned to be shot; the sentence was immediately forwarded by express to the President, who referred it to the "senatus consultum," and that body decided to pardon Mr. Hatch, and an order from the government to that effect was sent to Azua, and I understand he is at liberty and will receive his passport.

Mr. Hatch informed me while here, that on the reoccupation of Barahona by the government troops his store was twice pillaged, and when he was compelled to leave he abandoned a valuable cargo of wood, prepared for shipment, likewise other properties and effects. I am promised by the government a copy of the proceedings, and until I examine the testimony I cannot give an opinion. Mr. Hatch assured me that his accusers were men of the very lowest order, and not entitled to the least credit. As soon as I am furnished with a full report of the trial I shall forward it to the department.

Mr. Hatch was certainly placed in a very embarrassing position at Barahona, as the place was occupied first by one party and then by the other; the Cabralistas were in possession near three months, and, as the

residence of Mr. Hatch was the only decent house in the town, the leaders of both belligerent parties occupied it at their pleasure, with or without license. Under such peculiar and compulsory circumstances great allowances should have been made, and I consider the death sentence a most cruel and barbarous stretch of power; it evinced a determination to punish Mr. Hatch to the last extremity, and if possible to break him down physically and mentally. When it is considered that Mr. Hatch is fifty-seven years old, and also his respectability in the United States, a member of Dr. Tyng's church, (St. George's,) and, I believe, formerly a vestryman, his sufferings have been enough to impair both body and mind of most men.

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Mr. Davis to Mr. Smith.

WASHINGTON, November 15, 1869.

SIR: Your dispatch No. 93, dated the 4th of September last, has been received. The department hopes that the representations which have been made to the Dominican government respecting Mr. Davis Hatch have been successful.

Mr. Perry to Mr. Fish.

SANTO DOMINGO CITY, November 16, 1869.

SIR: * * * * *

Mr. Hatch, the American citizen who has been imprisoned at Azua, I understand has been pardoned on condition he leaves the country.

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Mr. Ferry to Mr. Fish.

WASHINGTON, December 31, 1869.

SIR: I have the honor to inclose an application for the intervention of our government in behalf of Mr. Davis Hatch, a citizen of the town in which I reside. Though I know nothing of the particular transactions in which Mr. Hatch is involved, I am sure, from my knowledge of the man, that he is not a conspirator on any side. He is simply a man of business attending to trade. I hope something may be done for him, and respectfully request speedy action.

Mr. Hatch to Mr. Ferry.

SOUTH NORWALK, CONN., December 30, 1869.

SIR: Inclosed with this you will please find a paper asking of the honorable Secretary a demand for the release of my father, who is now under arrest in the Island of San Domingo. By putting this matter before the proper persons or authorities, you will put us under many

obligations. Of the circumstances attending his arrest, sentence, and pardon, we have no particulars from him, for he is not allowed to write. We have not heard from him for eight months.

Mr. Smith, the ex-consul of San Domingo, is now in the States and has with him an account of the case, and he said that he should lay it before the government, but we have heard nothing of it yet. If we can find him and get the papers we will send them to you.

Hoping that we may meet with success, I remain yours truly,
STEPHEN S. HATCH.

Mr. Hatch to Mr. Fish.

NORWALK, CONN., *December 30, 1869.*

Mr. Davis Hatch, a resident of Norwalk, Connecticut, being imprisoned and kept in close confinement on the Island of San Domingo, by order of Baez, President of the Republic, and being so held, as we believe, without just cause or provocation, we would respectfully ask that the government of the United States make a demand for his unconditional release.

Mr. Hatch was arrested in August last, in the district of Azua, and was sentenced by a court-martial to be executed, but for some reason Baez changed the sentence, and he has been kept in close confinement.

The reason for arresting him was that he assisted Cabral. At the time of the arrest, Azua had been in the possession of Cabral for three months, and Mr. Hatch's business being in that district he could not do otherwise than remain neutral, as he had done while Baez held the place.

Yours, respectfully,

STEPHEN S. HATCH.

Mr. Fish to Mr. Ferry.

WASHINGTON, *January 3, 1870.*

SIR: I have the honor to acknowledge the receipt of your letter of the 31st ultimo, with two inclosures relating to Mr. Davis Hatch, who was imprisoned by order of the government of St. Domingo, and to inform you in reply that Mr. J. Somers Smith, United States commercial agent at St. Domingo, reported to this department on the 8th of October last that Mr. Hatch has been tried by court-martial at Azua and was condemned to be shot. The sentence was immediately forwarded by express to the President, who referred it to the senatus consultum, and that body decided to pardon Mr. Hatch, and an order from the government to that effect was sent to Azua, and he understood that Mr. Hatch was at liberty and would receive his passport. No further information has been received from Mr. Smith. Mr. Perry, the successor of Mr. Smith as commercial agent, states that "Mr. Hatch, the American citizen who has been imprisoned at Azua," had "been pardoned on condition he leaves the country." It is presumed that Mr. Hatch has been released and may be en route for the United States.

Mr. Ferry to Mr. Fish.

WASHINGTON, *January 11, 1870.*

SIR: I have the honor to inclose a letter from Mr. Davis Hatch, received this morning, and dated Azua, San Domingo, December 21, 1869, from which it appears that, at the said date he was still in confinement. I am aware that the present consular agent is not friendly to Mr. Hatch, being misled, as I believe, by false representations of others, but he certainly ought to attend somewhat more promptly to the rights of an American citizen, now admittedly held a prisoner without law.

I would be obliged to you for a copy of the record for which Mr. Davis asked, and for an efficient order for his release.

Mr. Hatch to Mr. Ferry.

AZUA, *December 21, 1869.*

SIR: Since writing you on the 16th inst., I learn, to my very great regret, that there was no steamer called at St. Domingo on the 9th to take the mail to St. Thomas to meet the Brazilian steamer appointed to leave there on the 13th. I presume the mail has been sent to St. Thomas by a sailing vessel, but as there is no steamer from there except on the 13th, my letter to you of the 6th must wait until then or take its chance from there by sailing vessel. I regret this the more as there seems to be now no hope of my release until an order comes from the government at Washington. Our commercial agent has not replied to either of my letters, and I know nothing of him. He has been in the country now forty days. His conduct is unaccountable, and to me it seems unpardonable.

I forgot in my last to request to ask of the State Department the record of my trial, from this government. I see this was done in many cases in 1866, between the British government and ours, and never refused.

I cannot comprehend the motive, still less the justice, in holding me here, now nearly three months since they were graciously pleased to commute my sentence to banishment. My sufferings are almost beyond endurance. Again begging you to intercede for me, and to demand my immediate release, if no order has already been given.

Mr. Fish to Mr. Ferry.

WASHINGTON, *January 12, 1870.*

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, inclosing a letter from Mr. Davis Hatch, stating that he is still imprisoned at Azua, and to inform you that an instruction has been sent to-day to the United States commercial agent at St. Domingo City, to use his efforts to procure his release, and to extend to him such other good offices as he may be able to exert in his behalf. No record of the case has been received at this department respecting the imprisonment of Mr. Hatch, but the commercial agent has been instructed to obtain a copy of it, and to transmit it to the department by the first opportunity.

Mr. Fish to Mr. Perry.

WASHINGTON, *January 12, 1870.*

SIR: Representations having been made to the department that Mr. Davis Hatch, an American citizen, who had been imprisoned and condemned to be shot by the Dominican authorities, but who was afterward

pardoned on condition that he would leave the country, is still in prison at Azua, you are instructed to use your efforts to procure his release, and to extend to him such other good offices as you can exert in his behalf. You will please obtain a copy of the process against him and forward it to this department by the first opportunity.

Mr. Ferry to Mr. Fish.

WASHINGTON, *February 2, 1870.*

SIR: I have the honor to request a duplicate of the last order issued from the State Department for the release of Mr. Davis Hatch, a citizen of Connecticut, now imprisoned at San Domingo. I wish to send a special messenger to San Domingo with this duplicate, a course which I believe to be necessary to secure the release of Mr. Hatch.

Mr. Fish to Mr. Ferry.

WASHINGTON, *February 2, 1870.*

SIR: I have the honor to acknowledge the receipt of your letter of this date, and in compliance with your request I transmit herewith a certified copy of the instructions to Mr. Raymond H. Perry, United States commercial agent at St. Domingo, dated January 12, 1870, respecting the imprisonment of Mr. Davis Hatch.

Mr. Perry to Mr. Fish.

ST. DOMINGO CITY, *February 8, 1870.*

SIR: Your communications of January 7, October 28, December 11, January 15, and January 12, arrived by the Tybee on the 5th of this month. She leaves for New York to-morrow at 7 a. m. The communications relating to Davis Hatch, now confined at Azua, have been attended to. I wrote M. M. Gautier, the secretary of state, and he replied in a very unsatisfactory manner; a copy of both communications I inclose to you. He also sent a copy of the process against Hatch, but it arrived too late this evening for me to send a translation by this mail. I have requested the release of Mr. Hatch several times since my arrival, and the government promised to comply with my request, but they have kept their word no better in this matter than in many others.

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Mr. Perry to Mr. Gautier.

ST. DOMINGO CITY, *February 5, 1870.*

SIR: I have several times verbally requested the release of Mr. Hatch, the American citizen now confined at Azua. I have this day received a communication from the Department of State at Washington, (a copy of which I inclose to you,) in regard to this matter, and it requests me to use my efforts to obtain his release. I am also ordered to send to Washington by the first opportunity a copy of the process against him. Will you furnish me with it? I must reply to the communication I have received by the steamer Tybee. Will you please inform me at once what your intentions are in regard to Mr. Davis Hatch?

[Translation.]

Mr. Gautier to Mr. Perry.

ST. DOMINGO, February 8, 1870.

SIR: I have received your communication of the 5th instant, in answer to which I inclose the process concerning the cause of Mr. Davis Hatch. At the same time I must inform you that the government will occupy itself about the solicitude which you have shown in regard to the said Mr. Hatch; said solicitude has not been resolved of ere this on account of the reasons which we have explained to you in different times.

I take this opportunity to renew the sentiments of my most distinguished consideration.

A communication from Mr. Felix M. Delmonte.

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It is said that the salt mine in the commune of Neiba belongs to a North American citizen, and that he was robbed of his rightful property by the caprice of President Baez; but any one who has been in Santo Domingo knows perfectly well the history of that salt mine, and knows the Cerrero family, who are its principal owners, by authentic titles and royal grants more than a century old. The salt pits, according to the Spanish laws, belong, as do the mines, to the Crown; but the government of Spain at that time offered the salt mountain of Neiba at public sale, and gave a deed to the representatives of the Cerrero family, as the highest bidders at the sale, giving its royal title-deed, which original document is still preserved, notwithstanding the length of time which has elapsed since it was given. Since then, neither could the Spanish government dispose of the salt mine, nor could the succeeding governments of the country, as moral beings, responsible for the acts of their predecessors; thus it was, that during twenty-two years of Haytien domination, and notwithstanding the law of July 8, 1824, which stripped the citizens of a great portion of their property, and notwithstanding the laws of that state, the family in question retained the exclusive ownership of the salt mountain which is now supposed to belong to a North American citizen.

Thus passed years and governments; but in spite of the indisputable ownership and the immemorial possession, in spite of that sacred law of continuity, the government of Cabral awarded said mine to Mr. David Hatch, as a privilege granted to its *discoverer*, a gross subterfuge whereby it was sought to cover up a scandalous spoliation, since the salt mine had been discovered at the time of the conquest of the island, and the inhabitants had worked it with the permission of its owners, and since the sovereign, to whom it belonged as a prerogative of the Crown, had sold it forever and unconditionally many years before Mr. Hatch could have come into the world, much less to Neiba, to see the mountain whose wealth he claimed to have discovered.

The opposition journals should give fair play; they must understand that the Dominican republic obeys the laws which govern enlightened countries; that it is no longer in those primitive times when the first occupant acquired a valid title by long possession, or when property was acquired simply by force. They must know that poor as is our republic, and little known as she has hitherto been, she is acquainted with the eternal principles which support and give life to states.

In view of the above, the grant made by Cabral to Mr. Hatch could not remain valid, as well because *the sale or grant of the property of* *er is void in law* as because the assertion that *Hatch had discovered*

a mine worked by the public for the space of three centuries and a half, besides being false, was ridiculous.

President Baez, respecting the property of the Cerrero family, nevertheless offered the railway grant from Neiba to Barahona, placing at the disposal of the company the lands belonging to him, through which the railway had to pass; while the owners of the salt mine are disposed to enter into private arrangements with the builders of the road.

This is the history of this so-called spoliation; but what is very evident is that Mr. Hatch, full of rancor on account of what had happened, availed himself of certain persons in order to obtain permission from the government to remain in those places agitated by the Haytien faction, and this permission having been obtained, he repaid the kindness of the government by the most criminal conduct. He converted his house into an inn, which was the depot and arsenal of the faction; there bullets were cast and cartridges manufactured; he shielded with his name the property of the enemy; he gave, as a revolutionary authority, bills of health to vessels which were smuggling in articles of commerce and munitions of war; and he furnished supplies to those who were carrying on hostilities against our troops. Having been taken in the act, and brought to trial in due form of law, he was condemned to be executed, but pardoned by the executive power, which did not assume the responsibility of immediately restoring him his liberty, but which will be even more generous toward him, when the circumstances shall no longer exist under which he can do mischief. The report* of the trial sent to Washington will demonstrate the truth of this statement.

* This report has not yet been received.

S. Ex. Doc. 54—2.

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MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES

COMMUNICATING,

In compliance with a resolution of the Senate of April 26, 1870, copies of certain dispatches of J. Somers Smith, esq., late commercial agent of the United States at San Domingo, to the State Department, in relation to the imprisonment of Davis Hatch, by the Dominican government.

MAY 9, 1870.—Read, ordered to lie on the table and be printed.

To the Senate of the United States :

In answer to the resolution of the Senate of the 26th ultimo, I transmit a report from the Secretary of State, and the papers by which it was accompanied.

U. S. GRANT.

WASHINGTON, May 6, 1870.

WASHINGTON, May 6, 1870.

The Secretary of State, to whom was referred the resolution of the Senate of the 26th ultimo, requesting the President, "if not incompatible with the public interests, to transmit to the Senate full and entire copies of the following dispatches of J. Somers Smith, esq., late commercial agent of the United States at San Domingo, to the State Department, portions of which dispatches were transmitted to the Senate on the 24th day of February, 1870, in compliance with a resolution of the Senate of February 21, 1870, namely: dispatch dated San Domingo City, September 4, 1869; dispatch dated San Domingo City, September 9, 1869; dispatch dated San Domingo City, October 8, 1869," has the honor to lay before the President the papers mentioned in the resolution.

HAMILTON FISH.

The PRESIDENT.

Mr. Smith to Mr. Fish.

No 93.]

SAN DOMINGO CITY,
September 4, 1869.

SIR: I consider it my duty to bring to the knowledge of the department the critical situation of Mr. Davis Hatch, a citizen of the United States, who, it is reported, is under arrest at Barahona.

Mr. Hatch came to this country, as the agent of a company consisting of Mr. August Schell, and other men of standing in the city of New York, for the purpose of working the salt mountain of Neyba, and making a railroad to Barahona, to facilitate the shipment of the salt. Mr. Hatch obtained the concession from the Spanish government, which was confirmed by the Cabral administration. When Mr. Baez returned to power he sent for Mr. Hatch, as there had previously existed an unfriendly feeling. Mr. Hatch was brought by force on board a man-of-war to this capital; but, on my representation, the difficulty between himself and the President was arranged amicably, and Mr. Hatch was allowed to return to Barahona. Some time since, Barahona was taken by the revolutionary party, and they held it some months; it was retaken some three weeks ago, and it was rumored that Mr. Hatch had been arrested. I called at once on President Baez, who confirmed the rumor, and said that charges had been preferred against him, and, at my request, I was promised a copy of said charges as soon as received by the government.

Some two weeks having elapsed without my hearing further, I called, on the 29th August, again on the President, and he informed me that he had given orders to send up Mr. Hatch to this city, but as he has not yet arrived, I feel great anxiety as to his actual position.

On the 31st ultimo the United States ship Tuscarora arrived from Key West, when Commander Queen called on me. I handed him a memorandum regarding Mr. Hatch, and expressed my desire that he would proceed to Barahona, see Mr. Hatch and learn the particulars of his case. The commander informed me that, notwithstanding his willingness to comply with my request, he was powerless to act in the matter, as his instructions placed the ship at the disposal of General Babcock. On my communicating with General Babcock, he did not seem disposed to co-operate, appearing not to regard the case in as serious a light as I do, from my *knowledge* of the Dominican character.

It is unfortunate for Mr. Hatch that since General Babcock has been in this country he has been in close companionship with Mr. Cazneau, who is an enemy of Mr. Hatch, as he, Mr. Hatch, furnished the information which caused the rejection of Cazneau by the Senate, some three years ago, when his name was sent in for a position in this country.

The captain and officers of the Tuscarora were introduced to the President by General Babcock. I was not invited to accompany them, which appeared to me as a want of courtesy on the part of the general.

Mr. Hatch is a highly respectable gentleman, and as I have not heard from him for over four months, notwithstanding that Barahona is within *twelve hours'* sail of this city, I deem it my imperative duty to report the affair for the consideration of my government.

P. S.—Commander Queen reported to the undersigned the death of William Smith Huddell, acting assistant paymaster of the Tuscarora, on the passage from Key West to this port. Mr. Huddell was a nephew of the undersigned.

Mr. Smith to Mr. Fish.

No. 94.]

SAN DOMINGO,

September 9, 1869.

SIR: In my despatch No. 93 I had the honor to inform you of the arrest of Mr. Davis Hatch at Barahona. I have since received a letter

from Mr. Hatch, dated Azua, September 3, apprising me that he left Barahona, by order of the government, on the 28th August, under a general order for *the evacuation* of the town, and arrived at Azua, by sea, on the 29th, and on landing was taken in charge by three dragoons, and escorted through a drenching rain to the town, some three miles from the landing, and placed in the *commandancia*, where he remained throughout the night in his wet clothes.

On the following day he requested to have an interview with the commanding general, Ramirez, a half-brother of the President's, as he was sure he could satisfy him of his being innocent of any complicity in the affairs of the government. He received a message from the general that he only wanted to take some declarations, which would be done shortly, after which, he, Mr. Hatch, could return on board the vessel and proceed to this city.

Up to the time of writing me, on the 3d, Mr. Hatch had not heard anything further from General Ramirez, and being fearful that, from what was taking place, he might be thrown in prison on his arrival here, he begged me to take some steps to guard against such an outrage.

On reception of the letter, I immediately visited the President and conversed the matter over; he informed me that a process had been instituted against Mr. Hatch at Azua, and that as soon as the proceedings were completed I should be furnished with a copy of the same, and that Mr. Hatch would be brought here; and that, if the charges were not of a serious nature, he would not be deprived of his liberty.

I cannot communicate anything further until I see Mr. Hatch, and am acquainted with the accusations on which he has been arrested.

I have been informed, on *reliable authority*, that General Salcedo returned to Azua on the 3d instant, with the remnant of the column with which he marched for San Juan, having lost many men, *particularly* by desertion; almost all the troops from the north side availed themselves of the confusion of the retreat and ran away. A vessel was dispatched for Azua last night with arms and provisions. The government have not published anything since the account of the battle a fortnight ago. Cabral is reported in strong force and well supplied.

Mr. Smith to Mr. Fish.

No. 96.]

SAN DOMINGO CITY,
October 8, 1869.

SIR: In my dispatch No. 94, I informed the department of the arrest of Mr. Davis Hatch, a citizen of the United States, at Barahona, and that he had been taken to Azua for trial, on charges of aiding the revolutionary party. On the 12th ultimo, Mr. Hatch was brought to this city in the schooner of war *Alta Gracia*, and although sick at the time, was locked up in prison, and *incommunicated* for forty-eight hours. I was present at his examination by the authorities, and in his answers to the interrogatories he denied having ever in any way interfered in the revolutionary struggle at present going on in this republic. On the 18th ultimo, he was again placed on board the *Alta Gracia* and conveyed to Azua, where he has been tried by a court-martial, and on the 2d instant he was condemned to be shot; the sentence was immediately forwarded by express to the President, who referred it to the *Senatus Consultum*, and that body decided to pardon Mr. Hatch, and

an order from the government to that effect was sent to Azua, and I understand he is at liberty and will receive his passport.

Mr. Hatch informed me while here, that on the reoccupation of Barahona by the government troops, his store was twice pillaged, and when he was compelled to leave, he abandoned a valuable cargo of wood, prepared for shipment, likewise other properties and effects.

I am promised by the government a copy of the proceedings, and until I examine the testimony I cannot give an opinion. Mr. Hatch assured me that his accusers were men of the very lowest order, and not entitled to the least credit; as soon as I am furnished with a full report of the trial, I shall forward it to the department.

Mr. Hatch was certainly placed in a very embarrassing position at Barahona, as the place was occupied first by one party, and then by the other; the Cabralistas were in possession near three months, and as the residence of Mr. Hatch was the only decent house in the town, the leaders of both belligerent parties occupied it at their pleasure, with or without license. Under such peculiar and compulsory circumstances, great allowances should have been made, and I consider the death sentence a most cruel and barbarous stretch of power; it evinced a determination to punish Mr. Hatch to the last extremity, and, if possible, to break him down physically and mentally. When it is considered that Mr. Hatch is fifty-seven years old, and also his respectability in the United States, a member of Dr. Tyng's church, (St. George's) and, I believe, formerly a vestryman, his sufferings have been enough to impair both body and mind of most men.

On the return of the Tuscarora from Tortola, Captain Queen told me that there was no necessity in my taking any steps to assist Mr. Hatch, as General Babcock had carried to President Grant, in black and white, proofs of his guilt. I replied to Captain Queen that I disregarded all *ex parte* statements, and should investigate the affair, when the testimony was submitted. I cannot but express my reprobation at the interference of certain Americans in using their influence to place in jeopardy the life of a fellow-countryman; national feelings alone would induce most men to stand by him, and if they could not assist or extricate him from a grave dilemma, to at least abstain, both in word and deed, from participating with his enemies, or contributing in any way whatever to prejudice his case. Had Captain Queen been untrammelled on his arrival in the Tuscarora, I would have called with him formally on the president, and I am confident that on our joint representation, the process against Mr. Hatch would have been discontinued, and he would only have been requested to leave the country. Thus, the ignominy which has been cast on him would have been avoided; but the Tuscarora was under the orders of General Babcock.

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LETTER

OF

THE SECRETARY OF THE TREASURY

COMMUNICATING,

In compliance with a resolution of the Senate of the 14th instant, information in relation to removing the United States branch mint from the city of New Orleans to the city of New York, and in relation to the condition thereof.

FEBRUARY 28, 1870.—Ordered to lie on the table and be printed.

TREASURY DEPARTMENT,
February 25, 1870.

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate of the United States, under date of the 14th instant, directing the Secretary of the Treasury to report to the Senate whether, in his opinion, the public interest would not be subserved by removing the United States branch mint from the city of New Orleans to the city of New York.

On the 29th day of July, 1868, the Director of the Mint was authorized to send an experienced machinist to examine the machinery and apparatus in the branch mint at New Orleans, and report what portions of such machinery could be used in fitting up the branch mint at Carson City. After an examination it was found that only one piece of machinery, an hydraulic press, was suitable for that purpose.

The machinery at New Orleans was purchased more than twenty years ago; and it is believed to be too old-fashioned and unwieldy to be suitable for furnishing a mint building in New York City or elsewhere at the present time.

The branch mint at New Orleans has not been in operation since 1861; but portions of the building have been occupied by the assistant treasurer, and by the superintendent of the light-houses of that coast. It is not probable there will ever be any necessity for renewing the business of coining in that city. The Mint at Philadelphia and the assay office in New York are at present of sufficient capacity to manipulate all the bullion that may be deposited, and to supply all the coinage that may be required upon the Atlantic Coast.

I transmit herewith a report of M. F. Bonzano, special agent, under date of July 24, 1868, giving a description of the machinery in the branch mint in New Orleans, and also a report of Samuel James, a machinist, sent from the Mint in Philadelphia to examine the machinery.

I am, very respectfully, your obedient servant,

GEO. S. BOUTWELL,
Secretary of the Treasury.

Hon. SCHUYLER COLFAX,
President of the Senate.

UNITED STATES BRANCH MINT,
New Orleans, July 24, 1868.

SIR: I have the honor to acknowledge the receipt of your telegram, dated the 23d instant, asking for a statement descriptive of machinery and apparatus at this branch, and beg leave to submit the following statement:

Melting rooms.—Two large furnaces for melting silver ingots, having a capacity of about 7,500 ounces each; two furnaces for deposits of about 1,200 ounces capacity. One shearing machine, for topping ingots, driven by steam. The large furnaces are in connection with a revolving ingot-mould. The capacity of the melting department, for silver, may be stated at about 45,000 ounces per day.

Gold-melting room.—Two furnaces for ingots of about 1,000 ounces capacity each; two deposit furnaces of about 500 ounces; iron tables, ingot moulds, and some stirrers and tongs. The capacity of the gold melting apparatus is far in advance of any demand likely to be ever made upon it; 5,000 ounces gold ingots can be taken as the usual daily capacity, with about four or five men.

Refinery.—The apparatus consists of two trough furnaces, for 24 glass matrasses; and is capable of furnishing daily 1,000 ounces of refined gold, with a force of about eight men, part of whom are employed in the pressing and melting of fine silver. Hydraulic press for silver, with the necessary accessories; two cisterns for precipitating the solution of silver, decanting and washing the chloride of silver. The refinery can be brought up to its full capacity, say at about 1,000 ounces fine gold per day, at a small outlay for matrasses, filtering tubs, and other small matters.

Assay department.—This department is entirely deficient in everything; a complete set of apparatus is needed, with the exception of cupel furnaces, which are on hand.

Coining department.—Main engine, condensing, of about 60-horse power, in perfect order, except the connection of steam pipe with the boilers, drives the rolls, punches, draw benches, melting machines, melter and refiner's machinery. Smaller engine, (Tyler's truss-frame,) of about 15-horse power, drives the presses and machine shop. This engine is high-pressure.

Boilers.—Three cylinder boilers, 40 feet long, 36 inches in diameter, in pretty fair order, requiring overhauling and some small repairs. Another separate cylinder boiler of the same diameter and 24 feet long, supplying power to the presses and machine-shop in case of accidents, requiring repairs of the main boilers.

Donkey engine.—Capable of being driven by either the main or small boiler; in good working order. Supplies the tanks in the garret, and the whole establishment (through the tanks) with an abundance of water.

Rolling machinery.—Three pairs of rolls in good working order. One pair was removed at the breaking out of the war and should be replaced. A sufficient number of spare rolls on hand for a year or two. Pointing rolls were also taken away and will have to be replaced.

Milling machines.—Three, in good order.

Punches.—Five in number, of the old pattern, in good working order.

Draw benches.—Two, in good order.

Bleaching apparatus.—Slight repairs required, no furnaces, and some smaller articles to be supplied new.

Presses.—One large press for double eagles, dollars, half-dollars, and eagles; in perfect order. One for half-dollars, eagles, half-eagles, and

quarters; in perfect order. One for half and quarter-eagles, dimes; in perfect order. One for gold dollars, dimes, and half-dimes; also in perfect order.

I beg leave to state that the building is very much in want of general repairs to preserve it from further deterioration. There has been nothing done in the way of repairs since 1857 or '58. The woodwork is rapidly decaying for want of paint and cannot be attended to too soon.

Very respectfully, your obedient servant,

M. F. BONZANO,

Special Agent Treasury Department.

Hon. H. R. LINDERMAN,

Director of the United States Mint, Philadelphia, Pa.

BRANCH MINT,
New Orleans, August 12, 1868.

DEAR SIR: Upon examination of the machinery at this place I find that, with the exception of the hydraulic press belonging the melter and refiner's department, there is no piece of machinery that can be advantageously removed for use in the Carson City mint.

The presses in the coiner's department are four in number; two only are adapted for coinage of nickel, the remaining two being too small for any coin above the dime; they are about the size of Nos. 1 and 2 presses in the Philadelphia Mint. They are all of the old pattern, two having the springs under the triangle for holding the triangle, center piece, and lever in position, while the bridles, instead of going through the arch, rest on springs on the inside of the arch. The rolls in number are four pairs, one pair, together with the pointing rolls, having been removed during the war. The four pairs remaining cover entirely too much space for the room allowed in the Carson City mint, and are so arranged that one pair cannot be taken away without moving the rest; as they are arranged, two pairs coupled together take in in length 22 feet, while the room in the Carson City mint is only $23-1\frac{1}{2} \times 17\frac{1}{4}$ feet.

The cutting presses are the same as now in use in Philadelphia, and about in the same condition; I cannot recommend their removal.

The draw benches are of the old wooden pattern and cover too much ground for Carson City; they each take in 14 feet by 6 feet; there are two of them.

The assay department during the war was completely gutted of everything belonging to it. The scales belonging to the adjusting room were all destroyed.

There is nothing in the melter and refiner's department worth moving save the hydraulic press and ingot molds. New molds could be got in Philadelphia for the cost of transportation.

The machinery having been gotten up for this place, which in dimension is twice that of Carson City mint, I can recommend, as above, of the removal of nothing save the hydraulic press.

It seems to me that in shipping the press, it would be better to ship from here direct to Carson City, as it needs no repairs.

Please to let me know any further directions you may have.

Respectfully,

SAM'L JAMES.

Dr. H. R. LINDERMAN,

Director United States Mint.

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LETTER
OF
THE SECRETARY OF WAR
COMMUNICATING,

In compliance with a resolution of the Senate, of February 4, 1870, a list of all the steamers engaged in transporting military stores and property of the United States, which have been destroyed on the Missouri River, north of Omaha, during the last five years, together with a statement of the value of the property lost by reason of the destruction of said steamers.

MARCH 8, 1870.—Ordered to lie on the table and be printed.

WAR DEPARTMENT, March 7, 1870.

The Secretary of War has the honor to submit to the Senate of the United States, in obedience to the resolution of February 4, 1870, a list of all the steamers engaged in transporting military stores and property of the United States, which have been destroyed on the Missouri River, north of Omaha, during the last five years, together with a statement of the value of the property lost or destroyed, by reason of the destruction of said steamers.

WM. W. BELKNAP,
Secretary of War.

Statement of steamboats lost on the Missouri River above Omaha, Nebraska, during the years 1866-'67-'68 and '69, with government stores on board, and value of same.

Steamer Carrie, sunk April 14, 1868, at a point known as Two miles above Indian Mission.

COMMISSARY STORES.

	Value.
1,000 pounds breakfast bacon.....	\$165 00
25,555½ pounds bacon sides.....	4,280 55
7,201 pounds hams.....	1,206 17
92,000 pounds flour.....	5,946 88
42,012 pounds hard bread.....	2,289 65
13,100 pounds corn meal.....	307 85
14,850 pounds beans.....	903 38
1,000 pounds Java coffee.....	325 00
4,300 pounds rice.....	426 78
1,100 pounds hominy.....	38 50
7,600 pounds green coffee.....	1,582 32
7,480 pounds roasted coffee.....	1,720 40
706 pounds tea.....	581 60
24,240 pounds brown sugar.....	3,676 89
5,600 pounds white sugar.....	952 00
2,138 gallons vinegar.....	662 78
2,560 pounds ad. candles.....	605 60

	Value.
6,660 pounds extra family soap.....	\$582 75
330 ³ / ₄ pounds officers' soap.....	52 59
60 dozen brown Windsor soap.....	90 00
5,645 pounds salt.....	101 17
375 pounds pepper.....	127 50
5,880 pounds desiccated potatoes.....	649 80
4,620 pounds desiccated mixed vegetables.....	1,016 40
10,270 pounds tobacco.....	8,010 60
5,048 pounds dried apples.....	416 47
5,117 pounds dried peaches.....	550 08
1,361 pounds dried beef.....	203 20
1,750 pounds mackerel.....	223 13
2,535 pounds lard.....	388 70
608 pounds hops.....	358 72
1,118 pounds malt.....	106 21
1,251 gallons molasses.....	988 29
659 gallons golden sirup.....	709 31
1,250 gallons cucumber pickles.....	906 25
800 gallons krout.....	480 00
332 dozen cans green corn.....	1,079 00
252 dozen cans green peas.....	588 70
662 dozen cans tomatoes.....	1,658 00
56 dozen cans lobsters.....	98 00
156 dozen cans peaches.....	519 00
52 dozen cans oysters.....	234 00
26 dozen cans jams.....	104 00
26 dozen cans jellies.....	140 98
26 dozen cans preserves.....	161 20
80 dozen cans milk.....	280 00
306 pounds sperm candles.....	170 60
15 quires folio-post paper.....	6 75
80 quires cap paper.....	18 00
20 quires legal cap paper.....	7 00
120 quires letter paper.....	21 60
20 quires envelope paper.....	6 75
4,350 envelopes.....	29 83
12 blank books.....	15 36
30 memorandum books.....	11 25
1 commissary book.....	2 40
4 quires blotting paper.....	1 00
40 sheets blotting board.....	2 00
24 bottles Arnold's ink.....	20 00
22 bottles red ink.....	11 00
12 bottles mucilage.....	4 50
3 gross steel pens.....	3 05
56 quills.....	1 68
24 lead pencils.....	1 80
90 pieces tape.....	2 81
6 pieces rubber.....	30
3 erasers.....	1 50
2 paper cutters.....	40
60 ounces sealing wax.....	7 50
6 ounces wafers.....	60
2 boxes rubber bands.....	2 00
1,000 pork plugs.....	2 60
1 spring balance.....	1 50
1 set dry measures.....	1 10
6 metal faucets.....	90
5 molasses gates.....	1 75
2 cleavers.....	3 90
2 meat saws.....	2 70
6 butcher knives.....	1 38
2 tap borers.....	85
1 liquid measure.....	85
13 wood faucets.....	85
4 funnels.....	60
6 scoops.....	2 13
1 hatchet.....	63
15 meat hooks.....	4 50

	Value.
5 butcher steels.....	\$2 50
1 platform scales.....	49 00
11 pad locks.....	5 50
2 axes.....	2 20
2 ax helves.....	32
12 rubber buckets.....	28 00
12 corn brooms.....	3 50
1 field safe.....	90 00
5 packing cases.....	3 35
	47,055 61

Steamer Bridgeport sunk June 1, 1868, at Onawa Bend, about twenty miles below Sioux City, Iowa.

QUARTERMASTER STORES.

	Value.
283,849 pounds oats.....	\$6,652 71
25 pounds castile soap.....	8 50
4 pine tables.....	20 00
	6,681 21

ORDNANCE STORES.

96 12-pound gun shells, fixed.....	\$181 44
144 12-pound spherical case shot, fixed.....	316 80
28 12-pound canister, fixed.....	50 40
34 packing boxes.....	39 10
	587 74

MEDICAL STORES.

112 ounces acaciæ pulv.....	6 70
24 ounces acidi acetici.....	48
48 ounces acidi citrici.....	2 88
24 ounces acidi muriatici.....	12
6 ounces acidi phosphorici.....	24
24 ounces acidi sulphurici.....	12
32 ounces acidi sulph. aromatici.....	2 24
7 ounces acidi tannici.....	2 80
40 ounces acidi tartarici.....	1 60
136 ounces ætheris fortioris.....	17 68
56 ounces ætheris spiritus compositi.....	13 44
144 ounces ætheris spiritus nitrosi.....	10 08
104 bottles alcoholis.....	124 80
4 ounces aloes pulv.....	48
48 ounces aluminis.....	48
288 ounces ammoniæ aqua.....	2 88
52 ounces ammoniæ carbonatis.....	1 04
16 ounces ammoniæ muriatis.....	20
20 ounces ammoniæ spiritus aromatici.....	60
4 ounces antimonii et potassæ tartratis.....	48
4 ounces argenti nitratis.....	8 00
4 ounces argenti nitratis fusæ.....	11 88
8 ounces assafœtidæ.....	24
6 ounces bismuthi subnitratis.....	3 00
3 ounces brominii.....	2 25
32 ounces camphoræ.....	2 04
8 ounces cantharadis pulv.....	1 00
16 ounces capsici pulv.....	56
16 ounces catechu.....	16
64 ounces ceræ albæ.....	5 12
39 pounds cerati adapis.....	27 30
56 ounces cerati cantharadis.....	5 32
8 pounds cerati resinæ.....	2 88
3 packages chlorinii.....	7 20
128 ounces chloroformi purificati.....	15 36
24 ounces cinchona calisayæ pulv.....	3 12

	Value.
3 ounces collodii	\$0 48
96 ounces copaibæ	5 76
6 ounces creosoti	54
16 ounces cretæ præparata	16
16 ounces cubebæ oleo-resinæ	7 04
2 ounces cupri sulphatis	08
4 ounces digitalis tincturæ	28
32 ounces extracti aconiti radices fluidi	3 52
2 ounces extracti belladonnæ	75
32 ounces extracti buchu fluidi	5 76
4 ounces extracti canabis purificati	5 00
80 ounces extracti cinch. fluid (with aromatici)	13 60
16 ounces extracti coelestis seminis fluidi	2 48
16 ounces extracti colocynthidis compositi	12 48
2 ounces extracti conii	80
8 ounces extracti ergotæ fluidi	1 60
56 ounces extracti gentianæ fluidi	3 92
288 ounces extracti glycyrrhizæ	8 64
2 ounces extracti hyoscyami	1 92
16 ounces extracti ipecacuanhæ fluidi	7 52
2 ounces extracti nucis vomicæ alcoholici	1 40
32 ounces extracti pruni virginianæ fluidi	2 08
16 ounces extracti rhei fluidi	5 60
16 ounces extracti senegæ fluidi	3 84
16 ounces extracti spigeliæ fluidi	3 76
32 ounces extracti valerianæ fluidi	6 08
72 ounces extracti zingiberis fluidi	10 08
88 ounces ferri chloridi tincturæ	5 28
9 ounces ferri et quiniæ citratis	11 16
16 ounces ferri iodidi syrupi	96
16 ounces ferri persulphatis liquoris	60
3 ounces ferri persulphatis pulveris	36
108 pounds ferri sulphatis (for disinfection)	3 24
12 ounces ferri sulphatis exsiccata	60
56 ounces glycerinæ	1 96
16 ounces glycyrrhizæ pulv	24
2 ounces hydrargyri chloridi corrosivi	22
2 ounces hydrargyri iodidi flavi	1 20
3 ounces hydrargyri oxidi rubr	30
32 ounces hydrargyri pilulæ (massæ)	2 00
4 pounds hydrargyri unguenti	6 00
16 ounces hydrargyri unguenti nitratis	1 00
7 ounces iodinii	2 83
16 ounces ipecacuanhæ pulv	7 12
24 ounces ipecacuanhæ pulv. compositi	4 50
64 ounces lavandula spiritus compositi	4 48
16 pounds lini	1 12
72 pounds lini farinæ	5 76
15 ounces magnesiæ	1 12
72 pounds magnesiæ sulphatis	3 60
6 ounces ferris sulphas	06
$\frac{3}{4}$ ounce morphiæ acetatis	5 25
2 ounces morphiæ sulphatis	14 00
5 ounces olei cinnamoni	1 56
5 ounces olei limonis	2 05
25 bottles olei morrhuæ	18 75
10 bottles olei olivæ	5 40
20 bottles olei ricini	17 20
10 bottles olei terebinthinæ	3 75
64 ounces olei theobromæ	4 00
2 ounces olei tiglii	98
16 ounces opii pulv	15 04
40 ounces opii tinctura	4 20
112 ounces opii tinctura camphorata	4 76
12 ounces opii tinctura deodorata	1 56
40 dozen pilulæ camphoræ et opii	3 20
40 dozen pilulæ cathartici compositæ	3 20
24 dozen pilulæ opii	96
8 ounces plumbi acetas	38

	Value
2 ounces podophylli resinæ	\$1 20
16 ounces potassæ acetatis.....	1 44
8 ounces potassæ arsenitis liquoris.....	16
24 ounces potassæ bicarbonatis	72
40 ounces potassæ bitartratis.....	1 60
40 ounces potassæ chloratis.....	3 00
128 ounces potassæ et sodæ tartratis.....	6 40
16 ounces potassæ permanganatis.....	9 60
10 ounces potassii bromidi.....	3 00
1 ounce potassii cyanidi.....	06
88 ounces potassii iodidi.....	24 64
30 ounces quinae sulphatis.....	75 00
8 ounces rhei pulv	3 76
640 ounces saponis.....	8 00
6 ounces scillæ pulv	24
41 pounds scillæ synipi.....	25 42
30 pounds sinapis nigræ pulv	9 60
40 ounces soda bicarbonatis.....	20
16 ounces soda boratis.....	32
30 pounds soda chlorinatae liquoris.....	3 00
24 ounces sulphuris loti.....	12
6 ounces veratri viridis tincturæ	30
3 crusts viri vaccini.....	3 00
4 ounces zinci acetatis.....	48
9 pounds zinci chloridi liquoris.....	3 24
3 ounces zinci oxidi.....	09
6 ounces zinci sulphatis.....	18
16 pounds arrow root.....	3 68
30 pounds barley.....	2 17
288 pounds beef, extract of.....	273 60
96 bottles brandy	192 00
12 pounds candles, (sperm or composition).....	4 80
2½ pounds cinnamon (powdered)	3 00
50 pounds cocoa or chocolate.....	25 50
50 pounds corn starch	5 50
50 pounds farina.....	6 50
5 pounds gelatine.....	4 50
5 pounds ginger (powdered).....	2 50
336 pounds milk, concentrated.....	126 00
1½ pounds nutmegs.....	1 12
5 pounds pepper, black, ground.....	2 50
108 pounds sugar, white, crushed.....	21 60
40 pounds tapioca.....	4 40
60 pounds tea, black.....	44 00
210 bottles whisky.....	210 00
60 bottles wine, port.....	70 80
40 bottles wine, sherry.....	47 20
1 atomizer.....	10 00
1 electric apparatus.....	13 00
1 irrigator.....	4 00
1 pocket case, hospital	11 00
12 probangs.....	2 40
1 speculum for the rectum.....	58
1 stethoscope.....	1 00
1 stomach pump and tube, in case.....	11 00
24 syringes, penis, glass, in case.....	1 68
1 syringe, vagina, glass 2, syringe, vagina, hard rubber 1, in case.....	3 50
1 teeth extracting case.....	12 00
45 yards adhesive plaster.....	17 10
6 pieces binder's boards, 2½ by 12 inches.....	12
6 pieces binder's boards, 4 by 17 inches.....	15
3 cotton bats.....	33
7 sheets cotton wadding.....	35
12 yards flannel, red, all wool.....	5 40
6 yards gutta percha cloth.....	3 90
36 yards ichthyocolla plaster.....	19 80
10 pounds lint, patent.....	10 00
5 pounds lint, picked or scraped linen	2 50
45 yards muslin, bleached	9 00

	Value.
2 needles, (25,) cotton 1 spool, thimble 1, in case.....	\$1 00
20 pounds oakum, fine, picked.....	4 80
9 yards oiled muslin.....	6 30
9 yards oiled silk.....	7 20
48 pencils, hair, assorted sizes.....	1 44
15 papers pins.....	90
96 dozen roller bandages, assorted.....	117 50
3 yards silk, green, for shades.....	3 00
1½ ounce silk, saddlers, for ligatures.....	1 50
6 splints, Smith's anterior.....	6 00
20 sponges, fine.....	5 60
8 sponges, for chloroform.....	4 00
9 pieces tape, cotton.....	18
6 ounces thread, linen.....	81
5 pounds tow.....	80
5 dozen towels.....	15 00
2 dozen towels, roller.....	4 80
64 ounces twine.....	3 20
1 copy Bedford on Women and Children.....	3 20
2 copies Dispensatory.....	15 90
1 copy Hygiene, Park's.....	6 75
1 copy Jurisprudence, Taylor's.....	3 85
1 copy Manual of Exercise of Recruits, Tripler and Bartholow's.....	1 25
1 copy Medical Diagnosis, Da Costa's.....	4 80
2 copies Midwifery, Hodges'.....	22 40
1 copy Ophthalmic Surgery, Lawrence and Moore.....	1 95
1 copy Practice of Medicine, Aitkins's.....	11 20
1 copy Practice of Medicine, Wood's.....	6 50
1 copy Principles of Surgery, Erichson's.....	4 80
1 copy Therapeutics, Stille's.....	8 00
3 copies West on Diseases of Children.....	12 75
2 copies Woodward on Camp Diseases.....	3 50
2 copies Zander on the Ophthalmoscope (Carter's translation).....	5 60
6 blank books, 4 quires.....	1 40
1 case diet and prescription book.....	4 00
3 gross elastic bands, assorted.....	4 71
1,200 envelopes.....	11 70
1 copy Midwifery, Meigs.....	4 80
3 copies Stillway on the Eye.....	24 00
1 eraser.....	46
2 pieces India-rubber.....	06
48 bottles ink, 2 ounces.....	2 40
3 bottles ink, red, 1 ounce.....	1 25
1 morning report book, regiment and post.....	2 00
2 bottles mucilage.....	40
1 order and letter book.....	2 50
2 quires blotting paper.....	2 30
4 packages filtering paper.....	4 00
20 quires wrapping paper.....	8 00
64 quires writing paper.....	16 00
20 pencils, lead.....	1 00
96 pens, steel.....	1 92
1 portfolio.....	2 00
1 record of deaths.....	1 50
1 register of patients (small).....	63
1 register of surgical operations.....	13 00
2 rulers.....	1 80
3 sticks sealing-wax.....	30
10 prescription books (ward).....	4 50
1 bed, water, india-rubber.....	26 00
37 blankets, grey.....	99 75
2 blanket cases.....	9 40
74 counterpanes.....	111 00
1 cushion, rubber, with open center.....	3 00
5 mattresses, hair.....	44 37
25 mosquito bars.....	31 25
100 pillow cases, linen.....	50 00
50 pairs slippers.....	13 50
9 basins, tin, wash hand.....	3 60

	Value.
2 bed pans, delf and metal.....	\$2 00
4 bed screens.....	8 00
2 boilers, tin.....	11 00
70 bowls, delf.....	7 70
12 brooms.....	4 44
10 buckets, leather.....	40 00
4 buckets, tin covered.....	2 92
8 buckets, wooden.....	4 00
1 caldron, 20 gallons.....	20 00
2 candlesticks.....	80
18 chairs.....	18 90
1 clock.....	3 50
2 close stool chairs.....	8 00
2 close stools.....	7 00
255 feet clothes line.....	1 27
74 dozen corks, assorted.....	6 66
5 cork screws.....	1 50
1 cullender.....	57
3 dippers, tin, assorted.....	75
6 dishes, assorted sizes.....	7 32
2 feeding cups.....	38
1 funnel, tin.....	10
1 grater, nutmeg.....	4
1 hatchet.....	70
1 hone.....	1 00
12 knives and forks, each.....	1 44
1 knife and fork, carving, of each.....	2 00
1 lantern, glass.....	1 00
2 litters, hand.....	9 00
1 litter, Tompkins.....	55 00
2 looking-glasses.....	70
1½ gross matches.....	12 00
1 measure, graduated, medicine.....	21
2 medicine-measuring glasses.....	50
2 medicine spoons.....	24
1 milk can, (22 gallons).....	6 92
1 mortar and pestles.....	1 00
12 mugs, delf.....	84
64 dozen pill-boxes, turned wood.....	3 84
9 pitchers, delf.....	3 72
12 plates, delf.....	1 32
4 pots, chamber, delf.....	3 80
2 pots, coffee, tin.....	84
2 pots, pepper.....	20
1 pot, tea, delf.....	42
1 razor and strop, in case.....	1 50
1 refrigerator.....	21 00
10 rubber scrubbers.....	10 00
3 sad irons.....	1 50
1 saw, butcher's.....	1 53
1 pair scales and weights, prescription..	3 00
3 sheepskins, dressed.....	2 85
1 slate and pencil.....	20
3 spittoons.....	69
1 stove, cooking, complete.....	56 00
6 tables, bed-side.....	7 20
1 tape measure.....	75
1 test tube, with rack.....	12
1 thermometer.....	67
1 tray, butler's.....	1 50
1 tubing glass.....	1 87
1 tub, bath.....	14 00
6 tumblers, glass.....	60
38 dozen vials, assorted.....	11 02
	3, 151 26

Steamer Lacon, sunk July 19, 1869, between Round Butte and Fort Peck,
Dakota.

193,830 pounds corn	Value. \$2,288 19
Grand total	60,764 01

RECAPITULATION.

Date.	Names of steam-boats.	Q. M. stores.	Sub. stores.	Med. stores.	Ord. stores.	Unknown.	Total.
April 14, 1868....	Carrie.....		\$47,055 61				\$47,055 61
June 1, 1868....	Bridgeport.....	\$6,681 21		\$3,151 26	\$587 74		10,420 21
July 19, 1869....	Lacon					\$3,288 19	3,288 19
	Totals	6,681 21	47,055 61	3,151 26	587 74	3,288 19	60,764 01

GEO. H. WEEKS,
Breret Lieutenant Colonel and A. Q. M.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES

RELATIVE TO

The obligation of Congress to make the necessary appropriations to carry out the Indian treaties made by what is known as the Peace Commission of 1867.

MARCH 8, 1870.—Read, referred to the Committee on Appropriations, and ordered to be printed.

To the Senate of the United States:

Herewith I have the honor to transmit a communication from the Secretary of the Interior relative to the obligation of Congress to make the necessary appropriations to carry out the Indian treaties made by what is known as the Peace Commission of 1867.

The history of those treaties, and the consequences of non-compliance with them by the government, are so clearly set forth in this statement that I deem it better to communicate it, in full, than to ask the necessary appropriation in a shorter statement of the reasons for it. I earnestly desire that if an Indian war becomes inevitable the government of the United States, at least, should not be responsible for it. Pains will be taken, and force used if necessary, to prevent the departure of the expeditions referred to by the Secretary of the Interior.

U. S. GRANT.

EXECUTIVE MANSION, *March 8, 1870.*

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 7, 1870.

SIR: In accordance with a resolution of the House of Representatives, I have this day sent to that body copies of such official documents as are found upon the files of the Indian Office, relative to the recent attack of our troops under Colonel Baker upon the Piegan Indians.

The condition of things along the whole border is such that I regard this a fit time to call your attention to the imminent danger of general hostilities with the Indians, and to suggest that the lively interest at present manifested in the subject by Congress, warrants your laying before them a more comprehensive view of the subject than could properly be done in response to the single inquiry which has been answered by this department.

From our extreme northern boundary to the Mexican frontier we re-

ceive complaints from all the Indian tribes, of what they declare to be a lack of faith on our part, in carrying out the stipulations of treaties heretofore made with them, and redeeming the promises which, as they allege, induced them to consent to the peaceable construction of railroads to the Pacific coast. Major General Stanley writes from Dakota that he is ashamed longer to appear in the presence of the chiefs of the different tribes of the Sioux, who inquire why we are not doing as we promised in 1867, and, in their vigorous language, aver that we have "lied" to them when telling them of the benefits we intended to confer upon them. In Wyoming an organized band of white men is prepared to move into the Big Horn region to prospect for mines, despite the warning of the military authorities that that country is reserved for the uses of the Indians. This organization is said to be numerous, and to be fitting out with the expectation of having hostilities with the Indians. It is understood that they insist that the treaties with the Sioux are not regarded as binding by one house of Congress, and that they, therefore, cannot, lawfully, be restricted from undertaking their expedition. It may be regarded as certain that, if it is prosecuted, it will result in war on that frontier. In Colorado a similar expedition, though not so large in numbers, is reported as organizing to enter the Ute reservation, on a similar mission, with the declaration that they intend to go strong enough to take care of themselves. This also means war. In New Mexico portions of the Utes are dissatisfied with the arrangements made by recent treaties for the location of their reservation, and say that they were deceived in regard to the place of the agency and the reservation boundaries. Unless some definite arrangements can be made with them to preserve peace, we must expect difficulty there also. In the Indian Territory the Arapahoes, Cheyennes, and other tribes, with whom treaties were made by the Peace Commission, have been in a similar condition of discontent, and it has only been by the greatest exertions on the part of both the civil and military officers that peace has been preserved. In Kansas, the Osage Indians, upon returning to their homes from their recent annual hunt, found that their reservation had been invaded by whites; in some instances the material of their dwellings carried away, whole villages destroyed, and their farms, cabins, and stock taken possession of by the squatters.

The reports from every quarter show that the uncertainty in regard to the policy to be pursued by the government, especially in reference to the treaties made in 1867 and 1868, has produced a general disorganization—the white frontiersmen and the settlers denying the rights of Indians under treaties, on the one hand, and the Indians themselves upbraiding us with our breach of faith, and becoming dangerously unquiet, on the other. The effects are felt even in those tribes which have been longest in peaceful relations to the white settlers, and, unless something is speedily done to give a permanent basis for mutual confidence, the gravest troubles must be expected and prepared for. Under these circumstances, I regard the trouble with the Peigans rather as an incident to the general disturbance than as of special importance, on account of the exciting circumstances connected with that event itself.

I believe that any fair investigation of the origin of Indian troubles on the frontier will show that it is unjust to put the whole blame upon the savages, and until we can at least show to the world proofs of scrupulous good faith on our part, we shall not be justified in treating Indians as outlaws, doomed to summary destruction. During the summer frequent complaints were made of thefts of horses and cattle by different Indian tribes in Montana. These thefts were believed to be generally

perpetrated by some of the younger and more reckless of the Indians, who broke away from the restraints of their chiefs and headmen on the pretext that, as the United States was not performing its promises to them, they were absolved from the obligation to respect property. We have every reason to believe that a scrupulous observance of our engagements with the Indians of the upper valley of the Missouri during the past two years would have enabled us to sustain the peaceful chiefs in their authority, so that thefts would have either been prevented or punished without private vengeance, and the source of all the troubles have thus been dried up. The thefts led to private retaliation by the whites, either as punishment for the crimes, or in the effort to recapture property. Lives were taken on both sides, but the most experienced agents and officers on the frontier are of the opinion that more than five Indian lives were taken for every white man that was murdered during the season. The disturbances finally led the Indian superintendent to call for additional military force to protect the settlers. It was thought impracticable to do this with the few troops which could be spared for permanent stations or garrisons, and the expedition recently made against the Piegans was chosen by the military commanders as a more effective way of correcting the evil.

I do not propose to criticise the course or the judgment of either the General of the Army or the Lieutenant General in this matter. I know by personal intercourse with them that their desire to avoid the necessity of an appeal to arms, and to promote a true peace policy with the Indians, is as great as my own, and I have purposely refrained from any judgment even upon the manner in which the work was done by the subordinate in actual command of the expedition, until fuller reports should be received. I hold it, however, to be as much due to the officers of the army as to myself to express the opinion, in which I believe they will concur, that it does not become a civilized nation even to *consider* the propriety of adopting the mode of warfare or imitating the horrible barbarities of savage tribes. I am entirely sure that if it shall finally appear that there has been a wanton butchery of unresisting women and children, the condemnation of such cruelty will be as prompt on the part of the superior officers of the army as it would be from ourselves.

It is right also to say that the statement of Mr. Vincent Collyer, secretary of the Indian commission, to Mr. Brunot, its chairman, was a simple transcript from the official information at that time received by the Indian Office, without exaggeration or diminution. That commission I look upon as being the official advocate of the Indian before the nation, and as it speaks for those who have neither newspaper to show their side of the questions arising, nor representatives in Congress to protect their interests or tell their story, I think we should as carefully preserve the rights of the commission to speak as we would the right of a criminal to appear by his counsel in a court of justice. The integrity and entire disinterestedness of the members of the commission are beyond all possible question.

The great cause of all our difficulties with the wild tribes is the fact that our civilized settlements and our internal improvements are constantly narrowing the boundaries of their hunting grounds and crowding them out of regions which they have by immemorial tradition regarded as their own, while no thoroughly consistent good faith is kept in redeeming the promises which we make to them as the condition of their acquiescence in the new order of things.

The federal government finds it almost impossible to be a just judge

between the Indian and the settlers who are constantly encroaching even upon their reservations. We have an instance of this in the fact that in the Territory of Montana, where the recent attack was made, the very capital of the Territory is located upon the land to which the Indian title has never been extinguished and which has never been formally opened by the government for settlement.

The principal aim of the Indian Office during the past year has been to inspire the Indian tribes with the belief that the strictest good faith would be kept with them, and that they should be protected from all unlawful encroachments upon their rights. The Commissioner of Indian Affairs, as well as the commission of citizens appointed by you to inspect the work of the Indian Bureau, are thoroughly convinced that a rigid adherence on our part to treaty stipulations, a just punishment of violations, committed by white persons, of their rights, and such provision for their maintenance as may save them from starvation in the rapid diminution of game and their restriction in the range of their hunting, would secure peace; but it is essential to any success, that the treaties already made should be rigidly enforced and strictly performed on our part, until, by mutual consent, a new arrangement can be made. Under your instructions, and in accordance with my own views, and those of the Commissioner of Indian Affairs, no new treaties have been negotiated during the year past, except those previously ordered, and every effort has been made to prepare the Indians for a policy in which government of the tribes by law and in accordance with contracts to be made under a system of general legislation by Congress, shall be substituted for the existing condition of things, in which treaties have been made with them as if with foreign powers; but, as a condition of a successful change in policy, I repeat, it is absolutely essential that all existing agreements should be faithfully kept, until the Indians shall themselves be brought to accept the new arrangement. As I have intimated above, the fact that treaties are looked upon as less binding than they formerly were, is known among all the tribes in the interior of the continent, and the distrust naturally arising, is the greatest obstacle to a policy of peace with which we have to contend.

The objections which have been raised in Congress to carrying out the treaties of 1867, and those made subsequently, have been misunderstood, or willfully misinterpreted, so as to cast doubt over our good faith, in all treaties that have been made. As to these more recent treaties, and especially to those made by the Peace Commission of 1867, I cannot help believing that there has been no little misunderstanding of their history, and of the authority under which they were negotiated. It has been frequently asserted that the House of Representatives was in no sense responsible for or bound by those engagements. I find, however, by a reference to the statutes, that this is a misapprehension of the fact. On the 20th day of July, 1867, an act was passed entitled "An act to establish peace with certain hostile Indian tribes." The first section of this act reads as follows: (Statutes at Large, vol. 15, page 17.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to appoint a commission to consist of three officers of the army, not below the rank of brigadier general, who, together with N. G. Taylor, Commissioner of Indian Affairs; John B. Henderson, chairman of the Committee on Indian Affairs of the Senate; S. S. Tappan, and John B. Sanborn, shall have power and authority to call together the chiefs and headmen of such bands or tribes of Indians as are now waging war against the United States, or committing depredations upon the people thereof, to ascertain the alleged reasons for their acts of hostility, and in their discretion, under the direction of the President, to make and conclude with said bands or tribes such treaty stipulations, subject to the action of the Senate, as may remove all just causes of com-

plaint on their part, and, at the same time establish security for person and property along the lines of railroad now being constructed to the Pacific, and other thoroughfares of travel to the western Territories, and such as will most likely insure civilization for the Indians and peace and safety for the whites.

By this act it will be seen that, not only was the Peace Commission itself authorized by law, and a majority of its members named in the statute itself, but they were explicitly authorized to make treaties, under the direction of the President, subject only to the action of the Senate. The treaties made were duly ratified, and as I confess myself unable to see how a more complete obligation on the part of the government of the United States could be created by law, I think the Indians may well be pardoned if they regard the failure to carry out the provisions of those treaties as a breach of faith on our part; but, if any great reasons of public policy shall be held to prevent the recognition of the national obligation, it is, at least, essential that the exact meaning of the government should be defined, and these simple-minded tribes made to understand precisely what they may expect, and be relieved of every doubt as to the purpose and policy of the government. Unless this matter is thus completely defined and clearly explained, so that the Indians may be able to understand our full purpose and intent regarding them, no human power can long prevent a general Indian war on the frontier. To carry out fully the stipulations of those treaties, until others can be made, may take two million dollars, in addition to the appropriation contained in the bill which has recently passed the House of Representatives. I think no officer of experience would estimate the cost of a year's warfare of the kind likely to ensue, for lack of proper action on our part, at less than forty million dollars. I would, therefore, most earnestly recommend that the attention of Congress be called to the necessity of immediate and explicit definition of the purposes of the government on the subject of Indian treaties, and to such action as, in their wisdom, may be likely to avert the evils which now seem imminent. If we were to waive all inquiry as to the moral obligation of a Christian nation under such circumstances, I think it would still be demonstrably clear that, as a mere question of pecuniary economy, it will be cheaper to feed every adult Indian now living, even to sleepy surfeiting, during his natural life, while their children are educated to self-support by agriculture, than it would be to carry on a general Indian war for a single year. The shocking barbarities, and mutilations of the dead and of prisoners, which are often referred to, are the usual accompaniments of Indian war. By preserving peace, we may hope to avoid them, and I cannot believe that it is beyond the wisdom and the resources of a great nation like our own to give a peace-policy a thorough trial.

With great respect, your obedient servant,

J. D. COX,
Secretary.

The PRESIDENT.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES

COMMUNICATING,

In compliance with a resolution of the Senate of the 28th of February last, information as to what legislation is necessary to insure the administration of justice and to protect American interests in China and Japan.

MARCH 10, 1870.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate of the United States :

I transmit to the Senate, in answer to their resolution of the 28th ultimo, a report from the Secretary of State, with accompanying documents.

U. S. GRANT.

WASHINGTON, March 10, 1870.

DEPARTMENT OF STATE,
Washington, March 10, 1870.

The Secretary of State, to whom was referred the resolution of the Senate of the 28th ultimo, requesting him to furnish that body with any information in his department as to what legislation is necessary to insure the administration of justice and to protect American interests in China and Japan, and whether any funds have been received from those countries which can be applied to the erection of suitable legation buildings, post offices, court-houses, and jails; and also to make any suggestions and recommendations on this subject which he may deem proper, has the honor to submit to the President the following statement:

I. In reply to the request for information as to what legislation is necessary to insure the administration of justice and to protect American interests in China and Japan, the Secretary of State has the honor to lay before the President a letter from Mr. George F. Seward, the consul general of the United States at Shanghai, to the Secretary of State, dated the 22d day of January last. Without committing this department to the statements and views of Mr. Seward, the Secretary of State is of the opinion that it is desirable to give to litigants, and to persons charged with crime, an appeal from the consular courts to a purely judicial tribunal, but that care must be taken to prevent litigants in civil cases, in a country where money is usually dear, from using the appeal solely for the purpose of delay.

II. In reply to the question whether any funds have been received from those countries which can be applied to the erection of suitable

2 PROTECTION OF AMERICAN INTERESTS IN CHINA AND JAPAN.

legation buildings, post offices, court-houses, and jails, the Secretary of State has the honor to say that there are such funds, now in the custody of the State Department. The nature and the amount of such funds were reported to the House of Representatives by the Secretary of State, on the 19th day of January last, and are printed in Executive Document No. 69, House of Representatives.

There are two funds—one known as the Japanese indemnity fund, the other known as the Chinese indemnity fund.

The Japanese indemnity fund comes from payments made by the Japanese government under the convention of October 22, 1864, (United States Statutes at Large, vol. 14, page 665,) of which a copy is herewith inclosed. It appears that Prince Choshu, the ruler over the provinces of Suwo and Nagato, having possession of the Japanese fortifications which command the Straits of Simonoseki, and also having with him the person of the Mikado, refused to recognize the validity of the treaties concluded by the Tycoon with the foreign powers, and closed the passage to the inland sea. At the request of the Tycoon's government, the forces of the United States, Great Britain, France, and the Netherlands in those waters, jointly proceeded to open the straits by force. On the 4th, 6th, 7th, and 8th days of September, 1864, they destroyed the batteries commanding the straits, blew up the magazines, threw the shot and shell into the sea, carried away seventy cannon, and obtained an unconditional surrender from Prince Choshu, with an agreement to pay the expenses of the expedition. The ratification of the treaties by the Mikado, and the firm establishment of the foreign policy of the Tycoon, also, speedily followed. The government of the Tycoon, preferring to assume the expenses of the expedition, which the rebellious prince had agreed to pay, entered into the convention of October 22, 1864, stipulating to pay the four powers three millions of dollars, "this sum to include all claims, of whatever nature, for past aggressions on the part of Nagato, whether indemnity, ransom for Simonoseki, or expenses entailed by the operation of the allied squadrons," "the whole sum to be payable quarterly," in installments "of half a million of dollars." One million and a half of dollars have been paid under this convention, and one million and a half of dollars remain unpaid. The Japanese government have asked to have the payment of the unpaid balance deferred till May 15, 1872, on terms set forth in the inclosed correspondence, and this government has consented as to its portion, (one-fourth,) on condition that the other powers also consent. Of the amounts already paid, one-fourth came to the possession of the United States, which appears to have yielded to its credit with Baring Brothers, in London, the sum of eighty-eight thousand eight hundred and eighty-one pounds eighteen shillings and tenpence sterling (£88,881 18s. 10d.) This, transferred to New York, produced in currency the sum of five hundred and eighty-six thousand one hundred and twenty-five dollars and eighty-seven cents, (\$586,125 87,) which was invested in ten-forty bonds of the United States at par. The interest on these bonds, as accruing, has been invested in the same class of bonds. The disbursing clerk of the Department of State now holds, as belonging to this fund, such registered bonds to the amount of seven hundred and five thousand dollars, (\$705,000,) at par. The Secretary of State is not aware of any claims against this fund.

The Chinese indemnity fund comes from payments made by the Chinese government under the treaty of November 8, 1858, (United States Statutes at Large, vol. 12, p. 1081,) a copy of which, and of a dispatch from Hon. William B. Reed, explanatory of it, are herewith inclosed.

It appears that citizens of the United States, resident in or concerned in China, had suffered from wrongful acts or laches of the Chinese authorities and government, both prior to and during the disturbances at Canton, which led to the British and French expedition of 1857. Claims were presented to Mr. Reed, amounting to more than one and a quarter million of dollars. He examined them, and having concluded that Tls. 600,000, or about \$800,000, would cover all demands which could rightfully be made, stipulated with the imperial commissioners at Tien-tsin, in June, 1858, that a Chinese officer should be appointed to examine them; and that the maritime revenues accruing at Canton should be in part set aside to an amount not exceeding Tls. 600,000 for the payment of the awards given. Subsequently, believing that the demand could be reduced, and fearing that the intervention of a Chinese officer would occasion difficulty, he entered into further negotiations, which resulted in the adoption of the convention already mentioned. By the terms of this convention, Tls. 500,000 were to be paid from the revenues to accrue at the ports of Shanghai, Foo-chow, and Canton; and this sum was to be accepted in full liquidation of the claims of our citizens. At a later date, (see act of March 3, 1859, Statutes at Large, vol. 11, p. 408,) Congress authorized the appointment of commissioners to examine the claims and award upon them. This award was completed in January, 1860, and the payments directed by the commissioners were duly made. There remained in the custody of the legation at Peking a large sum in excess of the payments, which, with accretions of interest, in China and in this country, and gain by exchange, less an amount paid under authority of an act of Congress approved February 22, 1869, (Statutes at Large, vol. 15, p. 440,) has been invested in ten-forty bonds, of which the disbursing clerk of this department holds, at par, three hundred and eighty-six thousand dollars, (\$386,000.) An amount of two hundred and six dollars and eighty-seven cents, (\$206 87,) in cash, is also in the possession of this department, and about two thousand dollars (\$2,000) remains in the custody of the minister to China, who has been directed to make remittance of the same.

The Secretary of State is not aware of any claims against this fund which have not been considered by the commissioners and determined by them.

The Secretary of State is informed that, after the awards were completed, and it was definitely known that there would be a surplus, Mr. Burlingame informally proposed to return whatever should be left. The Chinese, however, did not seem disposed to accept it. It would appear equitable, if the fund is retained, that some portion of it should be expended for the construction of buildings in China, to be devoted to the administration of justice and other sovereign functions conferred upon the United States by the treaties with that empire.

III. In reply to the request for suggestions and recommendations on this subject, the Secretary of State has the honor to state that, in his judgment, the public interests will be advanced by the erection, at a moderate cost, of buildings for the purposes indicated. The business of the courts in China and Japan, especially, require some accommodation of this sort. Whether accommodation should also be provided for the legations, would appear a subject more appropriate for the consideration of Congress.

The Secretary of State incloses herewith a letter from Mr. George F. Seward, dated the 22d day of January last, relating to jails in China.

Respectfully submitted.

HAMILTON FISH.

List of accompanying papers.

No. 1. Mr. Seward to Mr. Fish, January 22, 1870.

No. 2. Executive Document 69, House of Representatives, forty-first Congress, second session.

No. 3. Convention between Japan and the United States, Great Britain, Holland, and France, October 22, 1869.

No. 4. Mr. Van Valkenburgh to Mr. Fish, No. 42, June 10, 1869; (two inclosures.)

No. 5. Mr. Van Valkenburgh to Mr. Fish, July 6, No. 50; (one inclosure.)

No. 6. Mr. Fish to Mr. De Long, No. 5, September 10, 1869.

No. 7. Same to same, No. 10, February 5, 1869.

No. 8. Convention with China, November 8, 1858.

No. 9. Mr. Reed to Mr. Cass, No. 37, November 10, 1858.

No. 10. Mr. Seward to Mr. Fish, January 22, 1870.

No. 1.

Mr. Seward to Mr. Fish.

WASHINGTON, *January 22, 1870.*

SIR: As requested by you to-day, I have the honor to submit the following remarks on the judicial powers of the ministers and consuls of the United States in China and Japan, and various uncivilized states, and suggestions intended to indicate means by which the exercise of those powers may be rendered more safe and satisfactory.

The first consular judicial act was passed August 11, 1848. It was revised and re-enacted June 22, 1860.

By this act the consuls in Japan, China, Siam, Turkey, Persia, the Barbary States, and Muscat are authorized to hear and determine all civil and criminal actions which may be brought before them against citizens of the United States resident in those countries. In civil cases, involving less than \$500, the consul's decision is final. In those involving greater amounts the consul sits with associates. If these agree with him, the decision is final. If one or more of them differ from the consul, the matter may be taken before the minister on appeal, whose judgment is final. In criminal matters the consul's decision is final when not more than thirty days' imprisonment or \$100 fine is awarded. In all more serious cases there is an appeal to the minister. When there is a prospect that a greater fine than \$500 or a longer term of imprisonment than ninety days must be inflicted, the consul must sit with associates. If one or more associates differ from the consul the case must be referred to the minister for his final adjudication. In addition to the appellate jurisdiction granted to the minister, he has original jurisdiction concurrently with the consuls in cases for murder, insurrection against the government of the country, and for offenses amounting to felony, and the sole jurisdiction in cases where a consul is interested as a witness or a party to a suit. In countries where there are no ministers the powers of the minister are conferred on the consuls resident at the capitals, and in countries not inhabited by any civilized people, or reorganized by any treaty with the United States, a certain limited jurisdiction is given to the consuls.

Referring more particularly to China and Japan, it is to be remem-

bered that the legislation was made at a period when our interests had not attained to their present magnitude, and when communication with our officers in those countries was comparatively difficult. That it was absolute in its character was a matter for concern, but it did not seem possible to attain the objects in view in any other way.

The extent to which the consular judicial functions have been exercised may be seen from the following statements:

At Shanghai, during the years 1862-'9, inclusive, 467 civil and 597 criminal, or on an average of 58 civil and 75 criminal cases a year, have been heard and determined. Many of these have been of the gravest character. It is impossible to say how much such work has been performed at other consulates in China and in those of Japan, but it may be estimated that in either country the aggregate number of cases will approximate to that of Shanghai.

Happily the state of disorganization which prevailed in China after the British and French war, and which was consequent partly on the opening of new ports, and partly on the existence of insurrection, has greatly passed away, and for the present no extraordinary demands on the courts in that country may be expected. The political condition of Japan is greatly improved. But the facts remain that we have a yearly growing population and rapidly increasing interests in those countries. We have not only a steam line to Japan and China, but we have steamers in very considerable numbers engaged on the coasts and rivers of those empires. Our fellow-countrymen in the East build ships and steamers, work coal mines, construct and operate machine-shops; in short, exhibit there the restless enterprise which has made our state great and prosperous. Our importations from those countries are increasing. Our exportations to them will reach a high amount upon the return of prosperity to our manufacturing interests.

It should not be esteemed, however, that efficient courts should be supported in eastern countries only because existing interests are large. The development of those interests will always depend largely upon the status which our people hold in virtue of the greater or less protection and control exercised over them by their government. And we are morally bound to support a sufficient judicial establishment in countries whose natural jurisdiction we have displaced.

So far as China, Japan, and Siam are concerned, I recommend the establishment of a court at Shanghai having original jurisdiction in all cases occurring within the district of the Shanghai consulate, and in all cases of a graver kind occurring in China, Japan, and Siam, and a general appellate jurisdiction from the several consular courts in those countries.

We have a precedent for the course in that taken by the British government. I submit herewith a copy of the order in council by which a court called the "Supreme Court for China and Japan" was constituted by that government in the year 1865.

It will not be necessary for me to argue at length to the proposition that our judicial matters in the East would be more satisfactorily conducted under such a system than under the present one. There is but little power of revision vested now in the ministers, and that power, by reason perhaps of their preoccupation with matters of political concern, is but little exercised. In addition, therefore, to the confidence we should have in the right conduct of the original and appellate jurisdiction confided to an officer chosen with special reference to the judicial work committed to him, we should feel sure that the consular courts also

would be elevated and improved by the presence of a superior officer especially charged to inspect and regulate them.

Such an officer should be well salaried. The British judge is paid \$12,000 a year, and has allowance for house rent and various other expenses. It would not be well to send out an American judge for a less salary than \$8,000, and \$4,000 a year would be needed for the salary of a secretary and for the rent of a suitable court-room and officers. It would be better, however, to erect a court-house in connection with the jail of which I have spoken in another place.

Should this plan be esteemed too expensive, the alternative may be adopted of opening the opportunities for appeals from the consular courts, granting an appeal to the minister in any case involving more than \$250 and less than \$2,500, and to the circuit court of California, as a final court, in any case involving more than the latter sum. I submit herewith the draft of an act which would, perhaps, suitably meet the circumstances if this course is preferred.

The countries which would properly come under this arrangement are China and Japan. In Siam, Persia, Muscat, Tripoli, Tunis, and Morocco, there are no consuls, excepting those at the capitals of the several States. It thus happens (vide sec. 24 of the act) that practically the consuls in those countries are invested with all the powers which in China and Japan are granted to the ministers and consuls. I suggest that the appellate jurisdiction for these States be vested in the Secretary of State.

Since the act of 1860 was passed we have made a treaty with Madagascar. That country should be put in the category of those named above, and a provision should be made which would cover any other countries of like character with which we may hereafter make treaties.

I submit the draft of an act which would cover the suggestion of the last two paragraphs.

In conclusion, I may say that the recommendations which I have made seem to me so pertinent and so clearly just that I have not thought it necessary to extend remarks on them. I shall, however, be ready to offer any further explanations or information which may be desired or suggested by you, or may be requested by the respective committees of Congress, should you see fit to lay this paper before them.

I have the honor to be, sir, your most obedient servant,

GEORGE F. SEWARD,
Consul General at Shanghai.

Hon. HAMILTON FISH,
Secretary of State.

[To amend the act of June 22, 1860.]

SECTION 1. *Be it enacted by the Senate and House of Representatives in Congress assembled,* That when any final judgment of the minister to China, or of the minister to Japan, is given in the exercise of original or of appellate criminal jurisdiction, the person charged with the crime or offense, if he considers the judgment erroneous in point of law, may appeal therefrom to the circuit court for the district of California, provided that the appellant complies with such conditions as shall be established by general regulations, but such appeal shall not operate as a stay of execution unless the minister shall certify that there is probable cause to grant the same.

SEC. 2. *And be it further enacted,* That when any final judgment is given in a consular court in China or in Japan, and the matter in dispute exceeds two hundred and fifty dollars, and does not exceed two thousand five hundred dollars, exclusive of costs, an appeal shall be allowed to the minister in China, or to Japan, as the case may be; provided that the appellant complies with such conditions as shall be established by general regulations; and the said ministers are hereby authorized and required to receive, hear, and determine such appeals.

SEC. 3. *And be it further enacted*, That when the matter in dispute, exclusive of costs, shall exceed the sum of two thousand and five hundred dollars, an appeal shall be allowed to the circuit court for the district of California; provided that the appellant complies with such conditions as shall be established by general regulations; and upon such appeal a transcript of the libel, bill, answer, depositions, and all other proceedings of what kind soever in the cause, shall be transmitted to the said circuit court, and no new evidence shall be received in the said circuit court on the hearing of such appeal.

SEC. 4. *And be it further enacted*, That when any final judgment of the minister to China or of the minister to Japan is given in the exercise of original jurisdiction, and the matter in dispute, exclusive of costs, exceeds two thousand and five hundred dollars, an appeal shall be allowed to the said circuit court, as provided in the last section.

SEC. 5. *And be it further enacted*, That the said circuit court is hereby authorized and required to receive, hear, and determine the appeals provided for in sections 1, 3, and 4 of this act, and from the decisions of said circuit court on such appeals there shall be no appeal.

[To amend the act of June 22, 1860.]

SECTION 1. *Be it enacted by the Senate and House of Representatives in Congress assembled*, That the provisions of the act of Congress approved June 22, 1860, so far as the same are in conformity with the stipulations of the treaty between the United States and Madagascar, shall be hereby extended to that country, and shall be executed in conformity with the provisions of the said treaty, and of the usages of Christian nations in such cases; and the provisions of the said act shall, in the same manner, extend to any country of like character with which the United States may hereafter enter into treaty relations.

SEC. 2. *And be it further enacted*, That the superior judicial authority conferred by the said act on the consul general or consul residing at the capital of any country mentioned in the said act, or herein mentioned or provided for, including the authority to make rules and regulations, shall be and is hereby vested in the Secretary of State of the United States for the time being.

No. 2.

[Ex. Doc. 69, H. R., 41st Congress, 2d session.]

DEPARTMENT OF STATE,

Washington, January 17, 1870.

SIR: I deem it my duty to again call the attention of Congress to the "Indemnity Funds" received from the governments of China and Japan by the Department of State, and amounting now, in the aggregate, to one million one hundred and sixty-three thousand dollars, with accrued interest or premiums amounting, in the aggregate, to the further probable sum of about one hundred and twenty-five thousand dollars, as follows, to wit:

JAPANESE INDEMNITY.

Amount received from Japan	\$586, 125 87
Amount of registered bonds of the United States now in custody of Secretary of State, par value	687, 000*
The premium on the above bonds at the present rates (January 10, 1870) would add about	80, 000

The interest on the bonds has been regularly collected on the first days of March and September, semi-annually, and re-invested in the same description of bonds known as ten-forties.

CHINESE INDEMNITY.

Amount received from China	\$390, 223 72
Amount of registered bonds of the United States now in custody of the Secretary of State	376, 000*

*These amounts have been, respectively, increased since the above report was made by the payment and investment of interest.

The premium on the above bonds at present rates (January 10, 1870) would add about	\$45,000
A claim against the above funds was allowed and passed by Congress, and paid by the Secretary of State to Nott & Co., amounting to	38,242 53

(See Laws of the United States, vol. XV, page 440.)

The interest on the above bonds has been collected and re-invested as in the case of the Japanese indemnity.

For more full information in regard to these "Indemnity Funds," I have the honor to refer to previous reports of this department, viz:

Executive Document House of Representatives, fortieth Congress, second session, No. 93.

Executive Document House of Representatives, fortieth Congress, second session, No. 219.

Executive Document House of Representatives, fortieth Congress, third session, No. 29.

Executive Document Senate, fortieth Congress, second session, No. 65.

And also to the volumes of Diplomatic Correspondence, 1861-'68, under the heads of "China" and "Japan," respectively.

I have the honor to be, sir, your obedient servant,

HAMILTON FISH.

Hon. JAMES G. BLAINE,

Speaker of the House of Representatives.

No. 3.

By the President of the United States of America.

A PROCLAMATION.

Whereas a convention between the empire of Japan and the governments of the United States, Great Britain, France, and Holland, providing for the payment to said governments of the sum of three million dollars (\$3,000,000) for indemnities and expenses, was concluded and signed by their respective plenipotentiaries on the 22d day of October, 1864, which convention being in the English, Dutch, and Japanese languages, is, word for word, as follows:

CONVENTION.

The representatives of the United States of America, Great Britain, France, and the Netherlands, in view of the hostile acts of Mori Daizen, prince of Nagato and Smoo, which were assuming such formidable proportions as to make it difficult for the Tycoon faithfully to observe the treaties, having been obliged to send their combined forces to the Straits of Simonoseki in order to destroy the batteries erected by that daimio for the destruction of foreign vessels and the stoppage of trade; and the government of the Tycoon, on whom devolved the duty of chastising this rebellious prince, being held responsible for any damage resulting to the interests of treaty powers, as well as the expenses occasioned by the expedition:

The undersigned, representatives of treaty powers, and Sakai Hida no Kami, a member of his second council, invested with plenipotentiary powers by the Tycoon of Japan, animated with a desire to put an end

to all reclamations concerning the acts of aggression and hostility committed by the said Mori Daizen since the first of these acts, in June, 1863, against the flags of divers treaty powers, and, at the same time, to regulate definitely the question of indemnities of war, of whatever kind, in respect to the allied expedition to Simonoseki, have agreed and determined upon the four articles following:

1. The amount payable to the four powers is fixed at three millions of dollars. This sum to include all claims, of whatever nature, for past aggressions on the part of Nagato, whether indemnities, ransom for Simonoseki, or expenses entailed by the operations of the allied squadrons.

2. The whole sum to be payable quarterly, in installments of one-sixth, or half a million dollars, to begin from the date when the representatives of said powers shall make known to the Tycoon's government the ratification of this convention and the instructions of their respective governments.

3. Inasmuch as the receipt of money has never been the object of the said powers, but the establishment of better relations with Japan, and the desire to place these on a more satisfactory and mutually advantageous footing is still the leading object in view; therefore, if his Majesty the Tycoon wishes to offer, in lieu of payment of the sum claimed, and as a material compensation for loss and injuries sustained, the opening of Simonoseki, or some other eligible port in the inland sea, it shall be at the option of the said foreign governments to accept the same, or insist on the payment of the indemnity in money, under the conditions above stipulated.

4. This convention to be formally ratified by the Tycoon's government within fifteen days from the date thereof.

In token of which, the respective plenipotentiaries have signed and sealed the convention, in quintuplicate, with English, Dutch, and Japanese versions, whereof the English shall be considered the original.

Done at Yokohama, this 22d day of October, 1864, corresponding to the 22d day of the ninth month of the first year of Gengi.

ROBERT H. PRUYN,

Minister Resident of the United States in Japan.

RUTHERFORD ALCOCK,

H. B. M's Envoy Extraordinary and Minister

Plenipotentiary in Japan.

LEON ROCHES,

Ministre Plenipotentiaire de S. M. L'Empereur

des Français au Japan.

D. DE GRAEFF VAN POLSBROEK,

H. N. M's Consul General and Political Agent in Japan.

[Signature of Sakai Hida Kami.]

And whereas the said convention has been duly ratified by the respective governments:

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this ninth day of April, in the year

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of our Lord one thousand eight hundred and sixty-six, and of the independence of the United States of America the ninetieth.

[L. S.]

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

No. 4.

Mr. Van Valkenburgh to Mr. Fish.

No. 42.]

LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, June 10, 1869.

SIR: With reference to my dispatches, No. 84 of the 19th August, 1868, and Nos. 28 and 36 of this series, I have the honor to transmit herewith original agreement, signed on the 1st instant, between the representatives of the United States, England, France, Italy, and the North German Confederation, and the Japanese minister and vice-minister for foreign affairs in regard to the readjustment of the duty on tea and silk, as provided by Article II of the convention of Yedo, of June 21, 1866, which agreement is to take effect on the 1st of January, 1870.

I also transmit inclosure No. 1, a schedule setting forth the existing rates of duty in comparison to the increased percentage as proposed by the Japanese authorities and the Yokohama Chamber of Commerce respectively, and also to the same as adopted.

In this connection I beg to say that on the 15th ultimo the balance of the Simonoseki indemnity of one million and a half Mexican dollars (\$1,500,000) became due to the United States, England, France, and the Netherlands, and the Mikado's authorities had been repeatedly reminded of this by myself and colleagues. They admitted the debt, but stated their utter inability to meet it.

The Netherlands not being at present represented in Japan, but the North German chargé d'affaires declaring himself authorized to act in this matter, it was agreed to submit to the governments interested that, in view of the embarrassments of every description by which the Mikado's authorities are surrounded, it was desirable that an extension of the payment of the balance of the indemnity above mentioned be granted to the 15th May, 1872, thus for a period of three years, in consideration of which, the duty on tea and silk would be fixed at the present low rate agreed upon, it having been carefully estimated that the difference between that rate and the one proposed, to which the Mikado's authorities are lawfully entitled if the five per cent. basis of the tariff were strictly adhered to, involves a sacrifice of revenue which more than balances the amount of interest, assuming the European maximum rate of five per cent. per annum on the amount of \$1,500,000 Mexican currency named, during the period the extension of payment is proposed to cover. This estimate is further based on the supposition that there will be no increase during the approaching season in the exportation of tea and silk as compared with preceding years, which, however, have generally shown a more or less marked progress, particularly in tea, the staple article of export to the United States.

The minister for foreign affairs agreed to address a letter to each of

the foreign representatives who signed the accompanying agreement, renewing the acknowledgment of the Japanese debt, and soliciting an extension of the payment in the terms as herein stated. I regret to inform you that such a letter has not yet been received by me.

I have the honor to be, very respectfully, your obedient servant,
R. B. VAN VALKENBURGH,
Minister Resident in Japan.

Hon. HAMILTON FISH,
Secretary of State, Washington.

[Inclosure.]

Duty per 100 catties, or 133 pounds English.

Articles.	According to convention of June, 1866.	According to the average prices as given by the Yokohama Chamber of Commerce.	According to the proposals of the Japanese authorities.	According to the agreement of the 1st of June, 1869.	Increase percentage—		
					Proposed by the Yokohama Chamber of Commerce.	Proposed by the Japanese authorities.	Agreed upon.
<i>Raw silk</i>	<i>Bus cts.</i> 75 00	<i>Bus cts.</i> 113 20	<i>Bus cts.</i> 102 35	<i>Bus cts.</i> 90 00	50. 66	36. 46	20. 00
<i>Tama silk</i>	20 00	.....	33 50	25 00	.....	67. 50	25. 00
<i>Noshi silk</i>	7 50	.....	13 00	10 00	.....	73. 33	33. 33
<i>Floss silk</i>	20 00	.....	23 50	25 00	.....	17 50	25. 00
<i>Silk and cocoons offal</i>	2 25	.....	4 27	3 00	.....	97. 77	33. 33
<i>Tea</i>	3 50	4 38½	4 25	4 00	25. 18	21. 73	14. 30
<i>Ban. tea*</i>	75	.....	.....	.....	.....	.....	.....

* To be exported at the fixed duty, in future, from all the open ports.

[Inclosure.]

AGREEMENT.

By Article II of the convention of Yedo of 1866, it is provided that a readjustment of the duties on silk and tea may be claimed by any of the parties to that convention, on the basis of five per cent. on the average value of the said articles during the three years last preceding.

The Japanese government having now advanced a claim for a readjustment of the aforesaid duties in accordance with the above stipulation, the undersigned, representatives of the United States of America, France, Great Britain, Italy, and the North German Confederation, and the undersigned, Japanese minister and vice-minister of foreign affairs, have met, and after mature consideration of this claim, have agreed on behalf of their respective governments to the following arrangement:

I. It having been shown that the duties levied on silk and tea under the tariff attached to the aforesaid convention are considerably lower than five per cent. upon the average value of the said articles during the last three years, the right of the Japanese government to increase these duties is hereby recognized.

II. The undersigned have consequently agreed that the duties on the aforesaid articles shall be increased to the extent specified in the following table, but it has been further stipulated that the increased rates shall be levied only from and after the 1st

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of January, 1870, until which date the duties shall continue to be collected by the Japanese government according to the present rates.

	Present duty per 100 catties.	Increased duty pr. 100 catties.
Silk.		
Raw and thrown	<i>Bus.</i> 75. 00	<i>Bus.</i> 90. 00
Tama or Dupioni	20. 00	25. 00
Floss silk	20. 00	25. 00
Noshi or skin silk	7. 50	10. 00
Waste silk	2. 25	3. 00
Tea	3. 50	4. 00

Tea of the quality known as "Bancha" may in future be shipped under the present duty of seventy-five cents of a bus per one hundred catties from all the open ports, instead of as hitherto from Nagasaki only.

In witness whereof the undersigned have hereunto affixed their seals and signatures.

Done at Yokohama, in the English, French, German, Italian, and Japanese languages,
this first day of June, A. D. one thousand eight hundred and sixty-nine.

[SEAL.]

R. B. VAN VALKENBURGH,
Minister Resident of the United States.

[SEAL.]

HARRY S. PARKES.

H. B. M's Envoy Extraordinary and Minister Plenipotentiary in Japan.

[SEAL.]

COUNT DE LA TOUR,

Envoy Extraordinary and Minister Plenipotentiary to his Majesty the King of Italy.

[SEAL.]

MAÏME OÜTRÉY,

Minister Plenipotentiary of France.

[SEAL.]

M. BRANDT,

North German Union.

DATE CHINNAGONG.

HEGASHI KUZU CHIRYIO.

O KUMA SHII.

No. 5.

Mr. Van Valkenburgh to Mr. Fish.

No. 50.]

LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, July 6, 1869.

SIR: I have the honor to transmit herewith inclosure No. 1, translation of the letter from the department of foreign affairs, dated the 3d ultimo, but received only this day, relative to the balance of one million five hundred thousand Mexican dollars of the Simonoseki indemnity, due to the United States, England, France, and the Netherlands, and to which I referred in my dispatch No. 42, of the 10th ultimo.

For the delay in forwarding this letter a suitable apology was tendered by the officers in charge of the custom-house at this port.

In concert with my colleagues, the representatives of the powers interested, I beg to recommend this matter to your favorable consideration.

I have the honor to be, sir, very respectfully, your most obedient servant,

R. B. VAN VALKENBURGH.

Hon. HAMILTON FISH,
Secretary of State, Washington.

[Inclosure.]

His Excellency R. B. VAN VALKENBURGH,
Minister of the United States of America :

We received your letter, dated the 20th April, relative to the Simonoseki indemnity, and reminding us that one-half of the amount, namely, one million five hundred thousand dollars, remains unpaid.

In reply we have to state that we were not unmindful of that obligation, and intended to pay that sum when it became due, but your excellency is aware that a great change has taken place in this country; that a general remodeling has been undertaken on a new plan, and that this new system has not yet been brought into perfect working order, and besides we had to bear a heavy expense, owing to the liabilities in which we have been engaged. Under these circumstances we are unable to pay the large amount of money mentioned in your letter at present, and we desire, therefore, that the payment be postponed until the 15th of May, 1872, namely, for a period of three years, and we further propose that if the four powers interested waive interest on the amount named up to the 15th of this month, and also for the three years extension now solicited, we agree to wait till 1872, the time appointed for the revision of the treaties, with the collection of the increased duty on silk and tea, to which we are entitled under the agreement made on the 1st instant between the foreign representatives and the Japanese government.

We request your excellency to take into consideration the circumstances under which our government is placed, and submit this matter to your government so as to have it arranged to our satisfaction.

The 22d day of the 4th month, (3 June, 1869.)

DATE CHINNAGONG,
HIGASHI KUZU CHIRYIO,
O KUMA SHII.

No. 6.

Mr. Fish to Mr. De Long.

No. 5.]

DEPARTMENT OF STATE,
Washington, September 10, 1869.

SIR: I acknowledge the receipt of Mr. Van Valkenburgh's dispatch No. 50, informing me that the Japanese government propose to delay the payment of the balance of the indemnity due the United States and other powers until the 15th May, 1872, and ask the United States and the other powers to consent to such delay, and also to the waiver of interest up to the 15th of July last, and for the three years extension, and agree, if such terms are assented to, to wait till 1872, the time appointed for the revision of the treaties with the collection of the increased duty on silk and tea; and also recommending the proposition to the favorable consideration of this government, stating that in doing so he acted in concert with his colleagues.

In reply, I have to say that this government is willing to accept the proposals of Japan, as stated by Mr. Van Valkenburgh; it desires, however, to act in the matter in concert with the other powers interested in the indemnity. In case the representatives of the other powers interested in the fund are authorized to agree, and do agree to the propositions made by Japan, as stated in Mr. Van Valkenburgh's dispatch, you are authorized to agree to the same on behalf of the United States. To anticipate the possibility of the matter taking such shape as to render a new convention necessary, which it is desirable to avoid if it can be done, a power is sent you herewith to sign such a convention on behalf of the United States.

I am, sir, your obedient servant,

HAMILTON FISH.

C. E. DE LONG, Esq., &c., &c., &c., Yedo.

No. 7.

Mr. Fish to Mr. De Long.

No. 10.]

DEPARTMENT OF STATE,
Washington, February 5, 1870.

SIR: Your dispatch of the 13th of December last, No. 85, was received here on the 1st instant, and a telegram was sent on that day to the collector of customs at San Francisco, of which the following is a copy:

Please forward the following by first steamer to Japan:

"C. E. DE LONG, Esq., Yokohama:

"Your dispatch No. 85 received. The agreement signed by your predecessor and his colleagues with the Mikado's government on the 1st June last is approved. Instructions will go by next mail."

I do not deem it necessary at the present time to amplify my instruction to you upon this subject, No. 5, in answer to your predecessor's No. 50.

I am, sir, your obedient servant,

HAMILTON FISH.

C. E. DE LONG, Esq., &c., &c., &c., Yedo.

No. 8.

Convention with China, November 8, 1858.

In order to carry into effect the convention made at Tien-tsin by the high commissioners and plenipotentiaries respectively representing the United States of America and the Ta-Tsing empire, for the satisfaction of claims of American citizens, by which it was agreed that one-fifth of all tonnage, import, and export duties payable on American ships and goods shipped in American vessels at the ports of Canton, Shanghai, and Fuh-chau, to an amount not exceeding six hundred thousand taels, should be applied to that end; and the plenipotentiary of the United States, actuated by a friendly feeling toward China, is willing, on behalf of the United States, to reduce the amount needed for such claims to an aggregate of five hundred thousand taels, it is now expressly agreed by the high contracting parties in the form of a supplementary convention as follows:

ARTICLE 1. That on the first day of the next Chinese year the collectors of customs at the said three ports shall issue debentures to the amount of five hundred thousand taels, to be delivered to such persons as may be named by the minister or chief diplomatic officer of the United States in China, and it is agreed that the amount shall be distributed as follows: Three hundred thousand taels at Canton, one hundred thousand taels at Shanghai, and one hundred thousand taels at Fuh-chau, which shall be received in payment of one-fifth of the tonnage, export, and import duties on American ships, or goods in American ships, at the said port, and it is agreed that this amount shall be in full liquidation of all claims of American citizens at the various ports to this date.

In faith whereof, the respective plenipotentiaries of the United States of America and of the Ta-Tsing empire, that is to say, on the part of

the United States, William B. Reed, envoy extraordinary and minister plenipotentiary, and on the part of the Ta-Tsing empire—

Kweiliang, a member of the privy council, captain general of the plain white banner division of the Manchu bannermen, and superintendent of the board of punishments; and Hwashana, classical reader at banquets, president of the board of civil office, captain general of the bordered blue-banner division of the Chinese bannermen, both of them plenipotentiaries, with Ho-Kwei-tsing, governor general of the two Kiang provinces, president of the board of war, and guardian of the heir apparent; Mingshen, president of the ordnance office of the imperial household, with the insignia of the second grade; and Twan, a titular president of the fifth grade, member of the establishment of the general council, and one of the junior under secretaries of the board of punishments, all of them special imperial commissioners deputed for the purpose, have signed and sealed these presents.

Done at Shanghai, this eighth day of November, in the year of our Lord one thousand eight hundred and fifty-eight, and of the independence of the United States, the eighty-third, and in the eighth year of Hienfung, the tenth month, and third day.

WILLIAM B. REED. [SEAL.]

KWEILIANG.

HWASHANA.

HO KWEI-TSING.

MINGSHEN.

TWAN.

[SEAL.]

No. 9.

Mr. Reed to Mr. Cass.

No. 37.]

LEGATION OF THE UNITED STATES,

Shanghai, November 10, 1858.

SIR: I desire to communicate to you some remarks explanatory of the convention signed at Shanghai for the final adjustment of the claims of American citizens, which I have especial pleasure in forwarding as the means of redressing the wrongs of a large body of our deserving countrymen.

When at Tien-tsin, I made an arrangement for the prospective liquidation of these claims, estimating their amount at 600,000 taels, or \$840,000. I was compelled by the urgency of the Chinese plenipotentiaries, who seemed to have an ill-defined dread of making any more treaties, to leave it in the form of an agreement in correspondence, authenticated as far as possible by the seals of the commissioners, and which I thought and still think was sufficient to be ultimately obligatory. Still, as a sort of executory contract, it was not entirely satisfactory. Their acts might be disavowed, and, when the time came at which the compact was to be enforced, the government of the United States might feel some hesitation in applying the coercion which in the case of a violation of a clearly expressed treaty obligation would be properly applicable.

There were other difficulties about the execution of the contract as it originally stood. There was in it a provision, insisted on by the Chinese, that in the examination and adjudication of the claims, especially

those at Canton, the governor general should be represented and an officer be appointed to act for him. This necessarily involved delay, and with the Chinese probably something more. The claims were to be paid out of American duties at three ports, and no apportionment was made or time stated for its going into effect, except the uncertain one of a restoration of business at Canton. The commissioners, in their perplexity, seemed unwilling or unable to make these detailed stipulations. These were difficulties inherent to such a mode of adjustment as was adopted at Tien-tsin, of which I was duly sensible, and it was my intention to avail myself of the first opportunity to try and have them remedied.

That opportunity has presented itself at Shanghai, and I am happy to say all possible difficulty has been removed by reducing the agreement to the form of a treaty, dispensing with the necessity of Chinese revision of the claims, and precisely apportioning the duties among the three ports.

Nor has there been any great difficulty in effecting it, the Chinese plenipotentiaries showing no disposition to evade the agreement they had entered into at Tien-tsin, and being quite willing to arrange the details on reasonable grounds.

My first duty—not the less binding because it was a duty to the Chinese—was to revise the claims themselves, and ascertain whether, after giving credit for such as have in the meantime been settled and paid, (the “Mermaid,” for instance,) and applying some clear principle of law, the aggregate could not be reduced. The amount assumed at Tien-tsin was an arbitrary one. In the estimate sent to the department in February last, the claims were stated at a maximum of \$1,286,848 88, though with the suggestion that the probable amount to be insisted upon would be about \$660,000.

In order to arrive at a still more precise result, I called upon the claimants for a revised statement of their claims, for it was well understood that in many cases, where there had been a claim for a total loss, property had been restored, or paid for by the Chinese. In many instances the requisition was complied with, and accurate statements made. In some, the request was understood, strangely enough, to be an intimation that new and extravagant demands would be entertained, and all sorts of speculative and contingent claims were preferred—such, for example, as a vice-consul asking to be remunerated for fees that he might have made, and the captain of a steamer claiming the profits of a year to come. As a general thing, however, the claims were revised in a proper spirit, and were sensibly reduced by the claimants themselves. Still there were many of a contingent character.

To them it was necessary, even in forming my own judgment, to apply the well settled principle of law that, in case of damages of this kind, the prime cost or value of the property lost at the time of the loss, and in case of injury the diminution in value by reason of the injury with interest, affords the true measure. “This rule,” it has been said by the Supreme Court of the United States, “may not secure a complete indemnity for all possible injuries, but it has certainty and general applicability to recommend it, and in most all instances gives a fair and just recompense.”

On a careful revision of all the evidence before me, I was satisfied I could materially reduce the amount to be demanded, and after some friendly negotiation it was fixed at 500,000 taels or \$700,000, which was accepted by the Chinese and apportioned precisely between the three ports. It seems reasonable that the larger proportion should be paid at Canton,

where the mischief was done, and I agreed that it should be so, the more readily as the Chinese consented that the appropriation of the duties should begin at their new year, in February, and not be, at least at Shanghai, and Foo-Chow, dependent on the restoration of trade at Canton. The interposition of a Chinese representative in adjudicating the claims was waived.

You will observe a provision in this treaty that the debentures which the Chinese government is to give, and which, in all probability, if there be no new interruption of commerce, will be equivalent to cash, are to be delivered to such person or persons for safe-keeping as the chief diplomatic officer of the United States in China may direct. This the Chinese seemed to prefer to consular agency, though the latter is not expressly excluded. In the draft of a convention which I at first submitted to the commissioners at Shanghai, the sum stated was 525,000 taels, with a provision that in case of an excess beyond the claims and interest, it should be refunded to the Chinese government. They preferred, however, the small sum without such provision, evidently thinking it was their best policy to get rid of the matter forever. The brief correspondence is annexed. (Inclosures 1, 2.)

This convention will, if ratified by the President, and carried into effect by the Chinese, (as I doubt not it will be,) liquidate every claim on China by citizens of the United States, principal and Chinese interest at 12 per cent. per annum, calculated for three years on most of the claims, and for a longer period on others, and among them one (that of the Rev. J. J. Roberts) as ancient as 1847, which occupied the attention and excited the sympathies of many of my predecessors. The rest of them have reference to the destruction of property at Canton and its neighborhood. This, too, has been effected without the utterance of a single harsh word.

I am not informed, precisely, what arrangement has been made for the liquidation of the English and French indemnities, amounting, it is supposed, in the aggregate, to about \$6,000,000, though I have understood from Baron Gros that an arrangement similar to mine, of an issue of debentures receivable in payment of all duties to the extent of one-sixth had been agreed to. I left Baron Gros at Shanghai. Lord Elgin went up the Yangtse Kiang on the 8th instant.

I now ask your attention to some suggestions as to the practical operation of this adjustment, and to the necessity of some action by Congress. Its execution will, of course, devolve upon my successor, but neither he nor you will, I presume, regard my views on this subject as intrusive or inappropriate.

In making any computation as to the time when the proceeds of the claim debentures will be realized, as well as to the amount, much depends on the complete resumption of trade at Canton. Shanghai duties admit of an easy estimate. The average of duties on American ships and their cargoes for the last three years has been about 600,000 taels. As this includes years of local disturbances in the South, when perhaps the trade of Shanghai was increased, it may be set down at \$500,000, and of course the claim debentures apportioned to that port will be exhausted in the course of next year. At Foo-Chow it will probably be slower; and, assuming trade to begin at Canton, and that it will labor under difficulties, no great sum can be expected there. A safe computation would therefore be that in 1859 200,000 taels may be realized, and the balance, which will be nearly all paid at Canton, in 1860 and 1861.

This being the case, and the debentures coming into circulation—though, of course, gradually—in February, 1859, the first step will be

for my successor, or, if he do not arrive, the chargé d'affaires, to select some safe depository in China of the debentures and their proceeds, it may be for a moderate commission to be determined on at the time of the deposit. I take for granted one of the large mercantile houses in China will be selected for this agency, and it may be desirable to select one not a claimant or the creditor of a claimant. In determining this, however, great discretion will be needed, for it is the interest of the claimants, especially the smaller ones not connected with trade, and whose cases are really the hardest, that the large commercial duty-paying house here should concur to appreciate these debentures.

While this is in progress there will be time for Congress (and their attention should at once be called to it) to provide for the adjudication of the claims and a dividend among the claimants.

I am quite aware that the practice of the government heretofore has been to have the amount of indemnities remitted to the United States and distributed there. Such a course would be disastrous to the claimants resident in China, not only in consequence of the cost of remittance, but the expense of proof. There are at least two precedents for the course I recommend of an adjudication here. By the convention signed in 1803 between France and the United States, when commissioners appointed by the ministers adjudicated certain claims in France, and the convention of 1852 with Great Britain, when the commissioners sat in London.

The plan I propose is this: That Congress shall authorize the appointment by the President of two citizens of the United States resident in China, who shall adjudicate all the claims of persons in China and make a distribution rateably as the amounts are realized, being authorized to direct by their decrees whether the claimant shall receive his dividend in cash, or, at his option, in debentures at par. That the award of these commissioners shall be conclusive, or subject to appeal to the minister, and that for their services they shall be paid a moderate compensation, limited to two years at furthest.

I limit the powers of this commission to the cases of residents in China. In the tabular statement of claims which I have appended to this dispatch, you will, under the head of "claims suspended," see two—No. 2, section 1, "The Caldera;" another, section 4, No. 3, "Ryder;" and one not numbered, that of A. Pierrepont Edwards, which I presume must be adjudicated at home.

The case of the Caldera is the claim of New York underwriters, whose original evidence is no doubt in the United States, and can be there most easily produced.

That of G. W. Ryder involves a question of law as to the rights of a claimant who had declared his intention when the injury was done, but not been certificated as a citizen, on which it will be necessary to have the views of the government.

And that of Mr. Edwards, which was a case of personal injury received by him as far back as 1841. When his claim was first brought to my notice he was resident in America, but has since, I learned, died.

A sufficient sum can be reserved to cover these claims, all of which are more or less doubtful, and remitted in due season to the United States for distribution.

If they be recognized, and the principle of paying interest be adopted throughout, the fund will be exhausted. If they be disallowed, though interest be paid to all the other claimants, there will be a surplus at the disposition of the government. I append to this dispatch (inclosure No. 3) a schedule of the claims as revised.

I am without any distinct information of the intention of the allies as to the occupation of Canton. Lord Elgin told me incidentally the other day that until he received instructions from his government, after the arrival of the treaties, he was unable to form any positive opinion. I have no doubt of his extreme anxiety to get rid of Canton; and now that until it is absolutely evacuated by the military, trade will not be entirely resumed. I have called upon the consul at Canton to report to me specially the exact condition of things, and, if his answer be received in season, shall forward it with this dispatch. One thing is very certain, that the English will do nothing permanently to obstruct the export of tea.

* * * * *

I have the honor to be, sir, your obedient servant,
WILLIAM B. REED.

Hon. LEWIS CASS,
Secretary of State, Washington.

Mr. Reed to the Imperial Commissioners.

LEGATION OF THE UNITED STATES,
Shanghai, November 4, 1858.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, makes this respectful communication to their excellencies, the imperial commissioners.

The undersigned thinks it a propitious time, in view of the presence of their excellencies, to bring to their attention the settlement of the American claim. At Tien-tsin their excellencies agreed that one-fifth of the duties on American goods and ships at the ports of Canton, Shanghai, and Foo-Chow, should be applied to the payment of their claims, to an amount not exceeding six hundred thousand taels.

The undersigned proposes to their excellencies a plan for the immediate payment of the claims by orders being at once given on the government bankers for the amount in the following proportions: One-half at Canton, one-third at Shanghai, one-sixth at Foo-Chow. If this be done, the undersigned is willing to receive five hundred and twenty-five thousand taels in full discharge of all claims on the Chinese government. If not, he shall claim the execution of the former agreement to the full extent of six hundred thousand taels.

The undersigned has prepared a sketch of a proposed convention, which, on receiving your excellencies reply, shall be immediately transmitted for inspection.

W. B. REED.

To their Excellencies—

KWEILIANG,
HWASHANA,
HO-KWEI-TSING,
MINGSHEN, and
TWAN.

Imperial Commissioners, &c., &c., &c.

The Imperial Commissioners to Mr. Reed.

NOVEMBER 6, 1858.

KWEILIANG, HWASHANA, HO-KWEI-TSING, MINGSHEN, and TWAN, Imperial Commissioners, &c., &c., &c., herewith send their reply:

They have received your excellency's dispatch, in which you state, that as the claim of American citizens for indemnity for losses are not to exceed the sum of six hundred thousand taels, you propose a plan for their payment by orders given on the government bankers for the amount in the following proportions: One-half at Canton, one-third at Shanghai, and one-sixth at Foo-Chow; and that if this be done you are willing to reduce the total amount of claims to five hundred and twenty-five thousand taels, for all demands, &c., &c.

This proposition has been carefully examined by us, and we are also now engaged in

examining the reclamation of the English and French for losses, and adjusting the manner of payment; but we acknowledge the consideration and kindness of your excellency in this matter, in that you have of your own accord reduced the first amount of claim, and now place the total at five hundred and twenty-five thousand taels. We have taken the matter into full consultation, and propose that, if a further reduction of twenty-five thousand taels be made, fixing the total amount at five hundred thousand taels, then custom-house certificates can be issued at Canton, Shanghai, and Foo-Chow, dating from the first day of our next year, February 3, 1869, which can be successfully applied to the gradual payment of the entire sum. The custom-house at Canton shall pay three hundred thousand taels, and those of Shanghai and Foo-Chow, each one hundred thousand.

If your excellency will reconsider this proposal, and draw out the scheme of a convention based upon it, and send it to us for examination, we can then arrange for an interview, at which the whole matter can be settled in accordance thereto. For this purpose we now send this reply.

His Excellency WILLIAM B. REED,

Envoy Extraordinary and Minister Plenipotentiary of the United States to China.

No. 10.

Mr. Seward to Mr. Fish.

WASHINGTON, January 22, 1870.

SIR: As requested by you, I have the honor to make a written statement of the allowances for marshals and jails in China, and of my suggestions in this connection.

The appropriations are as follows:*

For four marshals, at \$1,000 each	\$4, 000
For rental of four jails, at \$600 each.....	2, 400
For expenses of same, at \$800	3, 200
In all	<u>9, 600</u>

Practically, however, but one jail is supported in China. That one is at Shanghai, and convicts from the other ports are sent to it. This course has been taken because the demands for jail accommodation are great at Shanghai, while at the other ports, severally, there are but few prisoners. These latter are confined temporarily in the municipal jails, or in the jails attached to other consulates, chiefly English. Experience shows that our actual wants are thus sufficiently consulted.

In my opinion the appropriations should be as follows:

For rent of a general jail for China, to be located at Shanghai.	\$1, 500
For hire of constables and keepers, and for general expenses of jail, such as food, clothing, fuel, medical attendance, &c., say.	5, 000
For hire of constables and other expenses attending arrest, care, and transportation of prisoners, say at Tien-tsin, Hankow, Foo-Chow, Amoy, and Canton, in each case \$1,000.	5, 000
And in all	<u>11, 500</u>

I mean that this sum should cover all the expenses attending the arrest, trial, and care of the offenders, as well as other necessary expenditures of the consular courts in China; and I would accordingly dispense with the class of salaried and commissioned officers called marshals, substituting constables, to be appointed by the consular courts

* These appropriations are sanctioned by sections 25 and 26 of the act approved June 22, 1860.

and controlled by them, and paid from the allowances recommended above and by fees.

The merits of the scheme are these: It recognizes the wants of Shanghai, which is the great commercial port of the Asiatic coast, and the place where more Americans congregate than at all other points in China. It recognizes also the wants of the other fifteen or more ports in China. You will remember that I have suggested the grouping of the consulates so that the salaried consuls should control the minor ports in their respective districts. Thus Tien-tsin would control New Chwang and Chefoo; Hankow, Kinkiang and Wuhu; Shanghai, Chinkiang, and perhaps Ningpo; Foo-Chow, Wanchu and the Formosa ports; Amoy, Swatow; and Canton, the ports of Hainan. The allowance for the salaried port is intended to apply to it and its dependencies. In this way the wants of all the ports would be consulted. Under the present system each port is considered independent, and where there are no salaried consuls, merchants have been clothed with the consular functions. So we have some sixteen consulates, with only four having any allowances whatever for the expenses of their courts.

Following the precedent afforded in existing legislation, I have estimated the expense of renting a jail at Shanghai; but this plan is not one which recommends itself to my judgment. We can hardly expect to rent a structure suitable for prison purposes; and if we are to have one which will be adequate to the safe confinement of criminals of all grades, we must ourselves build it. There are no two ways of looking at this proposition.

During my term at Shanghai, one man tried for murder, and condemned to be hung, broke jail, and was never recovered. Three others, charged with the commission of murders, escaped at different times and were never recovered. Escapes do occur from well-conducted prisons, and they are almost a matter of course from inferior ones. It is but a sorry excuse to make, however, in the face of Chinese magistrates, driven on perhaps by their people who have suffered at the hands of ours, that our jails are inadequate. They will not submit to be deprived of natural jurisdiction, and to see the ends of justice, which we assume to consult, frustrated in such manner. I have had some very bitter experience, at Shanghai, arising in this way.

Without having prepared an estimate of the cost of a jail suitable for our requirements, I am inclined to think that for fifteen thousand dollars one could be built which would answer our needs for the next ten years. This is a moderate estimate I think, as accommodation is needed for not less than ten prisoners having long terms to serve, and for fifty for shorter terms. So many prisoners have not unfrequently been confined at one time in the jail now used.

I thank you for the deference which you have shown to my views in these and other matters, and

I have the honor to be, sir, your most obedient servant,

GEO. F. SEWARD,

United States Consul General at Shanghai.

Hon. HAMILTON FISH,

Secretary of State.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES

COMMUNICATING,

In compliance with a resolution of the 4th instant, correspondence in regard to the so-called "Transcontinental Memphis, El Paso and Pacific Railroad Company."

MARCH 10, 1870.—Read, referred to the Committee on the Pacific Railroad, and ordered to be printed.

To the Senate of the United States:

In answer to the resolution of the Senate of the 4th instant, in relation to the "Transcontinental Memphis, El Paso, and Pacific Railroad Company," I transmit reports from the Secretary of State and the Secretary of the Interior, with accompanying papers.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., March 10, 1870.

DEPARTMENT OF STATE,
Washington, March 9, 1870.

The Secretary of State, to whom was referred the resolution of the Senate of the 4th instant, requesting the President to communicate to that body, if not incompatible with the public interest, copy of any and all correspondence between him and the United States minister to France, in regard to the so-called "Transcontinental Memphis, El Paso, and Pacific Railroad Company," together with the inclosures to the same, and also copy of any letters in his possession from the Secretary of the Interior on the same subject, has the honor to lay before the President the papers mentioned in the subjoined list, which embraces all that are in the possession of this department.

Respectfully submitted.

HAMILTON FISH.

The PRESIDENT.

List of accompanying papers.

1. Mr. Washburne to Mr. Fish, No. 5, June 4, 1869, with nine inclosures.
2. Mr. Fish to Mr. Cox, June 17, 1869.
3. Mr. Fish to Mr. Washburne, No. 11, June 18, 1869.

4. Mr. Fish to Mr. Washburne, No. 14, June 25, 1869, with one inclosure.
5. Mr. Davis to Mr. Hoffman, No. 9, August 5, 1869, with seven inclosures.
6. Mr. Washburne to Mr. Fish, No. 44, August 25, 1869.
7. Mr. Fish to Mr. Washburne, No. 43, October 7, 1869, with one inclosure.
8. Mr. Fish to Mr. Washburne, No. 74, December 10, 1869, with two inclosures.
9. Mr. Fish to Captain Sabiani, December 9, 1869.
10. Mr. Washburne to Mr. Fish, No. 128, December 24, 1869.
11. Mr. Fish to Mr. Washburne, No. 93, January 7, 1870.

CORRESPONDENCE.

No. 1.

Mr. Washburne to Mr. Fish.

No. 5.]

LEGATION OF THE UNITED STATES,
Paris, June 4, 1869.

SIR: I take the liberty to send you, inclosed herewith, certain advertisements, documents, &c., in connection with what is called "The Transcontinental Memphis-Pacific Railway." The advertisement has appeared in nearly all the newspapers of Paris, besides being placarded all over the city. The bonds of this company have been put on the Paris Bourse, and I am advised have been sold to the amount of *fifteen millions* of francs. Many inquiries have been made of me by persons who have invested in these bonds, but I am unable to answer them with the exactitude I could wish. I have my own opinions touching this whole business; but I shall guard myself in expressing them until I have correct information, as I do not wish to do any injustice to the company.

I have thought proper to address you on this subject, to the end that you might have it investigated at the Interior Department, if it should be conformable to your views of propriety, and have you transmit me the result of such investigation.

I send you a copy of a letter I have just received from M. Malespine, a leading liberal editor in Paris, and a devoted friend of the United States. I also inclose a translation of some articles in his paper on the same subject. You will see that the affair is making a great talk here. I should be glad to have this information at as early a period as practicable.

I have the honor to be, very respectfully, your obedient servant,
E. B. WASHBURNE.

Hon. HAMILTON FISH,
Secretary of State.

[Inclosure No. 1.]

Mr. Malespine to Mr. Washburne.

OFFICE OF THE EDITOR-IN-CHIEF OF LA PRESSE LIBRE,
Paris, June 4, 1869.

SIR: A company calling itself the "Transcontinental Memphis, El Paso, and Pacific Railroad Company" has recently issued thirty-eight thousand mortgage bonds of one hundred dollars, under the form of public subscription. From personal informa-

tion, for I lived for a long time in the United States, and on the strength of other information given by Americans resident in Paris, I have earnestly opposed the subscription, together with General Cluseret, whose information agrees with my own. The agent of the company in France, a certain Mr. Probst, accuses us of slander, and indicts us before the tribunals.

It must be confessed, if our information is correct, that Mr. Probst has given proof of an inconceivable audacity. It is very desirable that he should not be allowed to compromise the good reputation the Americans have enjoyed here any longer.

The company of the Transcontinental pretends—

1. That Congress has voted a bill authorizing its fusion with all the railroad companies which, starting at the Atlantic, meet at Chattanooga.

2. It pretends to have received great concessions of land, which it offers as security.

3. It pretends that the government of the United States has guaranteed to the subscribers an interest of six per cent.

4. It pretends that some of the bonds are issued by the Secretary of the Treasury, and that the President of the United States himself is obliged to interfere in case a delay of a single day should happen to delay the payment of the interest coupons.

Is it possible for you to inform me, Monsieur le Ministre, whether Congress has engaged itself in this affair, and whether it has voted on this head one or several bills sanctioned by the President?

I have defended the United States constantly for the last ten years; the United States are more for me than a second native land. I admire and love their political institutions. I am proud of their successes, and of their prosperity. I do not wish, therefore, that speculators without conscience should any longer be able to injure their credit. I would not, above all, wish to see the moral influence exercised everywhere in Europe by the great American republic lessened.

Accept, Monsieur le Ministre, I beg, the assurance of my most respectful and most devoted sentiment.

A. MALESPINE.

His Excellency Mr. WASHBURN,
Minister Plenipotentiary of the United States.

[Inclosure No. 2.—Translation from *La Réforme*, May 30, 1869.]

THE TRUTH ABOUT THE TRANSCONTINENTAL.

In our number of May 16, we advised our readers very strongly not to compromise any part of their savings in an audacious speculation admitted on the official quotation of the Paris Exchange under the title of the "Transcontinental Memphis, El Paso, and Pacific Railroad Company." All the great journals had complacently received in their columns the advertisements and the *paid articles* which the administration of the *Moniteur des Tirages Financiers* sent them. This profitable complacency of our confrères is as unintelligible as it is culpable. The press can only exert a legitimate influence on the condition of respecting itself, and of knowing how to sacrifice to the public interest the fifteen or twenty thousand francs yielded by the notices and advertisements destined to launch a financial affair.

As for us, we have not failed in our duty, and we are firmly resolved to fulfill it always. If the public comes to us, and if, thanks to its favor, to its direct support, we are enabled to found a frankly independent journal on a solid foundation, we shall unveil intrigues, we shall stop shameful speculations on their way before they have made any dupes. We shall speak the truth without reserve on political, industrial, and financial matters. We shall endeavor to justify our title: *Political and social reform*.

We have the very deep regret of not having been able to unmask the audacious speculators who have organized the subscription to the thirty-eight thousand mortgage bonds of the pretended Transcontinental Memphis Pacific Railroad in time. The real originators of the speculation have held, and still hold, themselves in the shade. Where is the seat of this company? Who are its directors? Has it a board of direction? With what resources will it meet its immediate engagements? The subscription was closed a week ago, when the following notice appeared under the head of advertisement in most of the Paris newspapers:

"The Transcontinental Memphis Pacific Company has the honor to notify the holders of its securities that the defamatory publications directed against it and scattered profusely among the public, have just been referred to the tribunals.

"The company's general agent in France,

"HENRY PROBST."

Henry Probst! We at first believed in a hoax. But Mr. Probst exists, for he sent us the following piece yesterday :

"In the year eighteen hundred and sixty-nine, the twenty-sixth of May ;

"On the petition of Mr. Henry Probst, agent of the Transcontinental Memphis, El Paso, and Pacific Railroad Company in Europe, living in Paris, rue de la Chaussée d'Antin, No. 51, acting in his own name only as the agent of said company ;

"For which domicile is chosen in his dwelling :

"I, the undersigned, Francis Felix Vacher, deputy to the civil tribunal of the Seine, sitting at Paris, there living in the rue Vivienne, No. 17,

"Have subpœnaed Mr. Malespine, living in Paris, rue de Croissaul, No. 16, in person,

"To appear on Friday, the 18th of June prox., before MM. the president and judges comprising the sixth chamber of the civil tribunal of the Seine, sitting at Paris, at the court-house situated in the said city, the said chamber giving judgment on correctional points at eleven o'clock a. m. ;

"For, seeing the journal, La Réforme has published, in its number of the sixteenth of May current, an article signed Malespine, entitled 'A shameful speculation,' commencing with these words : 'We call the attention,' and finishing with these words : 'In this contemptible speculation ;'

"Seeing that this article is entirely filled with the most characterized defamations of the persons who represent the company of the Transcontinental Memphis, El Paso, and Pacific Railroad ;

"Seeing that the enterprise is qualified by Mr. Malespine as a 'monstrous cheat,' a 'contemptible speculation ;'

"Seeing that the said Malespine affirms that everything in the affair is scandalous and false, 'even to the maps of the company ;'

"Seeing that Mr. Malespine imputes thus to the company and to Mr. Probst, agent of the company in Europe, acts considered criminal ;

"Seeing that all these attacks go beyond the bounds of the most free and liberal criticism, these attacks constitute speculative maneuvers, the article of Mr. Malespine coinciding with the publication of a libel signed Cluseraye, and distributed to the number of several hundreds of thousand copies in Paris and the departments ;

"Seeing that the article published by the said Malespine appeared on the 16th of May, that is to say, at the very time when the subscription to the mortgage bonds of the Transcontinental was opened, this shows the intention of the said Malespine to be not to exercise the legitimate control of the press as regards industrial matters, but solely the intention of seriously injuring the credit of the company ;

"Seeing, in consequence, that Mr. Malespine has been guilty of the offense provided for and furnished by Article 18 of the law of May 17, 1819, which is thus worded : 'Defamation of individuals will be punished by an imprisonment of from five days to a year, and by a fine of from twenty-five to two thousand francs, or one of the two punishments alone, according to circumstances ;'

"By these motives,

"Without prejudice of the requisitions which the public ministry may make,

"Deed having been given by the plaintiff that he refers to justice to fix the amount of damages and indemnities,

"To summon Mr. Malespine as liable to such damages as it may please the tribunal to determine, and to the insertion, at his cost, in four of the Paris newspapers, and twenty departmental newspapers, to be selected by Mr. Probst ;

"To summon, besides, the said Mr. Malespine as liable to all the expenses ;

"And finally that he does not ignore this ;

"I have left in person this copy at his house ; 'cost: five francs sixty-five centimes.'

"VACHOR."

Mr. Probst has certainly devoted himself to a profound study of our penal laws, foreseeing the *trouble* (American phrase) the affair of the Transcontinental Memphis Pacific would give him. In the matter of defamation, proof is not admitted, and the law forbids the publicity of debates, two conditions very precious and very indispensable for the Honorable Mr. Henry Probst.

They say that Mr. Probst had the intention of demanding a million of damages from the director of the Réforme. He has been dissuaded from it. It is a great pity.

Let us hasten to say that we are waiting with confidence the decision of the tribunal.

The Figaro, less patient than we, has made itself the ardent promoter of the transcontinental subscription ; it does not wait for the decision of justice, it condemns without pity, in these terms, two or three writers who have dared to tell the truth :

"The transcontinental company has referred the defamatory publications directed against it, and which have resulted in printing considerable variations in the mortgage bonds of this road, to the tribunals. *

"The company has done entirely right. No one doubts that it will obtain the com-

pensation which is due it, and that the authors of these venomous libels will be treated as they deserve."

Ah! They think they are going to compel our silence by intimidation! Well, we have said, and we repeat it, without troubling ourselves about the threats of Mr. Probst, that all and everything in this despicable speculation is scandalous and false!

It is false that you have lands to dispose of as security. The special conditions on which the lands were granted before the war of secession not having been fulfilled within the time fixed, the concessions are annulled.

It is false that these lands have an actual value of one hundred and eight millions of francs. We persist in affirming that no serious buyer would give more than one hundred thousand francs for them.

It is false, absolutely false, that the Congress of the United States has guaranteed an interest of six per cent. on the transcontinental bonds.

You have had the audacity to pretend that your bonds offered to the subscribers more serious guarantees than the six per cent. federal.

Dare then to tell us (with proofs to support it) at what figure they are quoted at the New York Exchange! You have pushed contempt of all shame so far as to compare, in giving them the name of "similar values," your mortgage bonds with the bonds of the great Illinois railroad, and with the Panama railroad.

In a word, you have deceived the French public; you have deceived the syndicate of the Paris brokers; you have, without doubt, deceived the government the day Mr. Rouher allowed a scandalous article to be published in the official journal, from which we borrow the following extract:

"To favor and hasten the lines of the plateau of the South, the Congress of the United States has granted divers subsidies. To certain companies a loan has been made in greenbacks, loan redeemable at the Treasury of the United States if the company is unable to pay it, and which is guaranteed by a second mortgage on the road and its material. For other companies Congress has guaranteed purely and simply the interest and the payment of their bonds.

"In this case the number of bonds to be issued by mile is limited by law, and it is the administration of the finances which delivers itself the securities and pays the arrears, reimbursing itself by the company.

"This last kind of subsidy is entirely new in the United States. The Transcontinental Pacific is the only road which has been able to obtain it."

We do not wish to inquire by what deplorable process you have been able to obtain the insertion of so impudent a falsehood in the official journal.

To the article of the official journal, which the "Moniteur des Tirages Financiers" hastened to reproduce, we oppose the following lines, borrowed from the Messenger, of New York:

"It is known that the Federal Congress has granted to a railroad company, of which Mr. John C. Fremont is one of the organizers, the concession of a route which will bind the city of Memphis, Tennessee, to the Paso del Norte, on the Rio Grande, and the coast of the Pacific, following the thirty-second parallel.

"This company has not received from the government the subsidy in money which was granted to the first Pacific railroad.

"In order to procure the funds necessary for the execution of this enterprise, it has just issued in Paris six per 100 bonds, reimbursable in 1890.

"It is said also that the company had ordered of French workmen a considerable quantity of fixed and rolling stock, paid by means of the product of its loan. It is said that the new bonds are mortgaged on concessions of land made by the United States to the promotion of the enterprise; but this is probably an error, for Congress has never granted anything but the right of way to the company, without adding to it a grant of lands."

The company of the Transcontinental and the Moniteur des Tirages Financiers have then deceived the newspapers, the official journal included; they have deceived the syndicate of the brokers; they have deceived the government and the public, but they will not deceive justice.

We defy Mr. Probst—

1st. To prove that the company of the Transcontinental has a regular and legal existence.

2d. That he is qualified to institute judicial action in the name of the company.

3d. That the company is in condition to pay the interest coupon to fall due the 1st of next July, with its income, and not with the capital that the subscribers have just paid over.

4th. That the lands given as security have been conceded, as the advertisements pretend, in virtue of a bill voted by the two chambers of Congress and sanctioned by the President of the United States.

5th. That these lands have a real value of 108,000,000 of francs.

6th. That a bill, or bills, have been voted by Congress authorizing the fusion of the Transcontinental with the lines of Memphis at Chattanooga, at Washington, Baltimore, Norfolk, &c.

7th. That independently of the concessions of land, the federal government has guaranteed an interest of 6 per 100.

Until the agents of the Transcontinental Memphis Pacific have given us full satisfaction, we will maintain, in the name of the public interest, that this affair is a condemnable dupery.

A. MALESPINE.

[Inclosure No. 3.]

THE TRANSCONTINENTAL MEMPHIS-PACIFIC RAILWAY.

The Transcontinental Memphis-Pacific Company has the honor to inform its shareholders that the defamatory statements concerning it, which have been published and widely circulated among the public, have just been referred to the tribunals.

PARIS, May 22, 1869.

The General Agent of the Company in France,
HENRY PROBST.

[Inclosure No. 4.]

The following letter, which has been received by an American gentleman well known in the best circles of Paris society and the commercial community, is, we assume, a full indorsement of all we have already written upon this subject :

"LONDON, May 6, 1869.

"DEAR SIR: Being in Paris last Sunday, my attention was attracted by a glaring advertisement which appeared in many of the papers of that date. It consisted of a large 'Tracé du Chemin de Fer Transcontinental Memphis-Pacific,' accompanied by a detailed offer to sell a large amount of the debentures of that road.

"In this advertisement it is set forth that the company is regularly organized, with the right to construct a railway from Memphis, Tennessee, by way of Little Rock and the Red River, through Arkansas, Texas, and New Mexico, to San Francisco.

"It is claimed that they have from the State of Texas a large land grant, and from the United States a guarantee of the interest upon their debentures.

"It is further asserted that the road from Memphis to Little Rock, and thence to Red River, is approaching completion.

"I have had reason to familiarize myself with the facts in this case. When I sailed from New York on the 27th of March last it was within my knowledge that this railroad company had not then, and at no time had had any status whatever in law in the State of Arkansas.

"In the State of Texas a right of way, corporate privileges, and a land grant, which had been conferred before the war, all dependent upon the fulfillment of certain conditions, had lapsed during the war by reason of their non-performance; and the recent State convention of Texas had refused to renew the grant or revive the privileges; up to the date I have mentioned the United States Congress had not even entertained a proposition to guarantee the interest on the debentures of this company, although a resolution to grant it the right of way through New Mexico and Arizona had passed the House of Representatives. This company has never constructed a mile of road in the State of Arkansas, or finished a mile in Texas, although it did do some grading in the latter State before the war. You will perceive, therefore, that the representations made to induce the public to buy these bonds are without foundation in fact.

"Upon returning to this city I found that capitalists interested in American securities were commenting upon the conduct of these negotiators in the Paris Bourse, and that the opinion was general that it is calculated to bring American securities into disrepute. I have accordingly written to you, thinking that as the evil emanates from Paris it is there the remedy should be applied, and I am sure your discretion will suggest the proper method.

"I am, sir, respectfully yours,

"DORSEY GARDNER."

[Inclosure No. 5.]

UNITED STATES TRANSCONTINENTAL MEMPHIS-PACIFIC RAILWAY COMPANY.

Thirty-eight thousand mortgage bonds of \$100 each have been placed at the disposal of the public by the administration of the Moniteur des Tirages Financiers. Price, 410fr., payable on subscribing; yearly interest, 30fr. 90c., (\$6,) payable half-yearly, at Paris,

on the 1st January and 1st July ; reimbursement at 515fr. (\$100) in 1890 ; interest from 1st January, 1869.

Capitalization.—A mortgage bond, bought for 410fr., really costs only 399fr., because on the 1st July, 1869, an entire coupon of 15fr. 45c. will be given, so that more than two-thirds, or 11fr., are gained by the purchaser, as the interest dates from 1st January, 1869. The yearly interest is 30fr. 90c., or 7fr. 72c. per cent. The bonds are reimbursable, at the expiration of twenty years, at 515fr. ; that is, with 116fr. premium, or 5fr. 80c. yearly. The entire income produced by interest and sinking-fund is 9fr. 17c. per cent.

Comparison.—Ten French railway bonds of 320fr. each cost 3,200fr., and produce, after deducting the duty, 147fr. interest. Eight Transcontinental Pacific mortgage bonds cost also 3,200fr., but produce 247fr. interest, being a difference of 65 per cent.

Security.—The mortgage bonds of the Transcontinental Memphis-Pacific are guaranteed by a first mortgage on the lands conceded to the railway, on both sides of the line, representing four times the value of the sum-total of the bonds. As the subvention in lands given to the company amounts to 10,240 acres per mile, each series of bonds is guaranteed by 1,536,000 acres ; every bond of \$1,000 by 300 acres, or rather more than 121 hectares ; and every bond of \$100 by 30 acres, or 12 hectares. The value of each hectare in the countries traversed by the Transcontinental Pacific is declared by the official deed to be from 173fr. to 185fr. The mortgage taken on the lands possessed by the company is, in accordance with the American law, confided to three trustees, or public notaries, viz., to Messrs. Andrew G. Curtin, governor of Pennsylvania and minister plenipotentiary of the United States at St. Petersburg, Paul S. Forbes, and Svante M. Swenson. The mortgage is a first charge, of which no other claim whatever can take precedence ; it is definitive, and cannot be annulled until the mortgage has been entirely discharged from every claim. The rights of the mortgage bondholders are, therefore, indefeasible.

The subscription opens to-day, Saturday 15th, Monday 17th, and Tuesday 18th May, at the offices of the Moniteur des Tirages Financiers—at Paris, 104 rue Richelieu ; at Lyons, 5 rue de l'Imperatrice.

The number of the bonds subscribed for will be registered every evening, and the subscription will be closed when the subscription attains the number of 38,000 bonds.

Payments can be made to the name of M. J. Paradis, at all branches of the Bank of France.

[Inclosure No. 6.]

CHEMIN DE FER DE MEMPHIS À EL PASO ET À L'OcéAN PACIFIQUE—(CHEMIN TRANS-CONTINENTAL DU SUD DES ÉTATS-UNIS.)

§ 1.—*Tracé.*

Le chemin, d'après les anciennes concessions modifiées depuis par des fusions successives, part de Memphis,* sur le Mississippi, et entre dans le Texas, à Texarkana, sur les bords du Red River. Le chemin s'étendra depuis cet endroit et à l'ouest jusqu'au Rio Grande del Norte, en face de la ville d'El Paso. Cette ligne court le long de la frontière nord du Texas, sur le plateau de cet État, dans la partie la plus saine et la plus favorable à la culture du coton, à l'élevage des bestiaux, aux cultures diverses. Ce plateau est réputé un des plus fertiles des États-Unis.

Un embranchement réunira à Texarkana la ligne principale avec la ville de Jefferson, tête actuelle de la navigation sur le Red River, entre le Texas et la Nouvelle-Orléans.

Après El Paso, le chemin traverse les territoires de l'Arizona, appartenant aux États-Unis, pour entrer ensuite dans l'État de Californie et aboutir au port de San-Diégó, sur l'Océan Pacifique, avec embranchement sur San-Francisco.

En ce moment, on exécute la partie du chemin qui commence à l'est du Texas pour aboutir à Jefferson et à la ville de Paris.

La partie entre Memphis et Texarkana (États du Tennessee et de l'Arkansas) est complètement terminée (500 kilomètres en exploitation.)

A Memphis, la ligne se raccorde avec le chemin de Memphis à Richmond et Norfolk, (sur l'Atlantique,) vaste ligne de 1,550 kilomètres en exploitation depuis longues années, et qui est achetée par la compagnie même du Memphis El Paso.

§ 2.—*Capital.*

Le capital du Memphis El Paso se compose de trois natures de titres : les actions, les obligations, (*construction bonds*), et les bonds hypothécaires (*first mortgage land bonds*.)

* État du Tennessee.

Le capital actions est de 40 millions de dollars, soit 200 millions de francs; il est divisé en 1,600 mille actions de 25 dollars (environ 125 fr.) chacune.

Les obligations (*construction bonds*) sont analogues aux obligations des chemins de fer européens. Elles sont de mille dollars chacune et sont au nombre de trente par mille, soit vingt environ par kilomètre. Les obligations ont pour garantie le chemin de fer, son matériel et la ligne télégraphique; mais elles n'ont aucun droit sur les terrains donnés en subvention et dont il est parlé plus bas.

Les bons hypothécaires ont pour gage une première hypothèque sur les terrains mentionnés ci-dessous. Ces bons, de mille dollars chacun, sont au nombre de 5,000 par section de 150 milles de longueur. La subvention en terrains s'élevant, comme on va le voir, à 10,240 acres par mille, il en résulte que chaque série de bons a pour garantie 1,536,000 acres de terre, et chaque bon de mille dollars 300 acres, soit un peu plus de 121 hectares.

§ 3.—Subventions données à la compagnie.

1°. Subvention en terrains:

La législature du Texas réserve une bande de terrain de 8 milles (12 kilomètres) de largeur de chaque côté de ce chemin et sur toute la longueur du parcours, dans l'État du Texas. Les terrains réservés ont été cadastrés sur les 300 premiers milles (483 kilomètres,) et on a dressé les plans parcellaires.

Dès qu'une fraction de 25 milles est "*graded*," c'est-à-dire prête à recevoir les rails, la compagnie reçoit, pour chacun de ces 25 milles (40 kilomètres 25,) une concession de 5,120 acres par mille de chemin, soit 1,286 hectares par kilomètre.*

Dès qu'une section de 10 milles a été mise en état de recevoir la circulation des trains, la compagnie reçoit de l'État du Texas, et pour chacun des 10 milles précédents (16 kilomètres 1) 5,120 acres nouveaux de terrains, soit une deuxième concession de 1,286 hectares par kilomètre.

Ainsi, chaque kilomètre de chemin terminé donne à la compagnie la propriété de 2,572 hectares.

Les terrains concédés à la compagnie sont consignés autant que possible sur la bande de terrain de 8 milles de largeur, réservée de chaque côté du chemin comme il a été dit plus haut. Le reste est pris au choix de la compagnie, sur la totalité des autres terrains appartenant encore à l'État, lesquels s'élèvent à plus de 100 millions d'acres (40,460,000 hectares.)

Les terrains concédés au chemin de l'Illinois Central (lequel a été construit avec le produit de ses concessions de terre) se vendaient à l'origine environ 5 dollars (or) l'acre, soit 12.5 dollars ou 62 fr. 50 l'hectare. Les mêmes terrains se vendent aujourd'hui 50 à 60 dollars l'acre en moyenne, soit 650 à 700 fr. l'hectare. Mais en n'admettant que le prix de 5 dollars l'acre, les 2,572 hectares concédés par kilomètre au chemin de Memphis El Paso représentent une subvention de 160,750 fr. par kilomètre.

Le certificat annexé à la suite de cette brochure prouve que la valeur moyenne de actuelle des terrains concédés au Transcontinental est de 14 à 15 dollars l'acre, soit 178 à 190 fr. l'hectare, (au change de 5 fr. 15 le dollar.) Au taux de 178 fr. l'hectare, la subvention en terrains représente donc une subvention de 457,846 fr. par kilomètre.

2°. Garantie d'intérêt:

Le Congrès des États-Unis a voté en mars 1869 un acte par lequel il accorde une garantie de 6 pour cent. d'intérêt aux obligations proprement dites (*construction bonds*) à raison de 30,000 dollars (154,500 fr.) par mille, soit environ 100,000 fr. par kilomètre. La loi grantit aussi le remboursement en or desdites obligations dans un délai de cinquante ans.

Les *construction bonds* ou obligations qui précèdent seront faites et délivrées à la compagnie par le ministre des finances des États-Unis.

En cas de retard dans le paiement d'un coupon ou de l'amortissement, le président des États-Unis a le droit de nommer un administrateur du chemin, qui sera chargé d'administrer le chemin au mieux des intérêts de la compagnie, et de verser au trésor les sommes nécessaires au paiement des arrérages.

La garantie d'intérêt et d'amortissement qui précède s'applique, non-seulement à la grande artère principale, mais aux embranchements projetés ou en cours d'exécution

§ 4.—Précédents tirés de l'Illinois Central.

Le chemin de l'Illinois Central a été construit en entier avec la vente de ses concessions de terres. Ces concessions ne s'élevaient qu'à 3,840 acres par mille, soit 965 hectares par kilomètre, tandis que le chemin d'El Paso reçoit 10,240 acres ou 2,573 hectares par kilomètre.

En outre, l'Illinois Central paye à l'État d'Illinois 7 pour cent sur le revenu brut, ou

* Un hectare vaut deux acres et quarante-sept centièmes d'acre.

environ 14 pour cent sur le revenu net, tandis que le chemin d'El Paso, n'a rien à payer ni sur ses recettes, ni sur la vente de ses terres.

Les terres de l'Illinois Central, depuis l'origine, ont été vendues au taux moyen de 12 dollars (or) par acre, soit environ 148 fr. par hectare.

On peut se faire une idée de l'état de ces terrains au moment de leur prise de possession par "l'Illinois Central," en lisant l'extrait suivant du rapport fait par M. R. B. Mason, surintendant général, de Chicago.

"La ligne, au moment de sa construction, traversait la partie la moins peuplée de l'État. Sur plusieurs points, il y avait une journée de chemin à travers des prairies continues, entre les habitations les plus rapprochées. En ouvrant le railway, on a fait peu d'améliorations additionnelles. Les prairies sont maintenant parsemées de fermes importantes et ont pris toutes les apparences d'un pays complètement colonisé."

Tandis que l'Illinois est situé au bord des grands lacs, dans un pays aussi froid que le Canada, et que les terrains traversés par son chemin sont presque exclusivement des marécages, le grand plateau que traverse le Transcontinental est un climat tempéré à peu près analogue à celui de l'Italie.

Le chemin de Memphis El Paso court le long de la frontière nord de ce plateau, à travers des terres reconnues comme les plus fertiles des États-Unis, qui produisent des quantités considérables de coton, de blé, de bois de construction, et de bétail s'exportant en grands troupeaux vers les États de l'Est. Ces terres contiennent d'immenses gisements de houille, de cuivre et de fer. Un certain nombre de villes nouvelles s'élèvent autour du tracé du Transcontinental, et Jefferson a déjà acquis une importance commerciale de premier ordre.

Ces faits expliquent que le certificat déjà mentionné évalue à 178 ou 190 fr. l'hectare la valeur moyenne actuelle des terres concédées au Memphis El Paso, terres très-supérieures à celles de l'Illinois.

§ 5.—*Revenues.*

Le seul port de Jefferson a exporté, en 1866, quarante mille balles de coton venant du pays traversé par la ligne, et cent millions de pieds cubes de bois venant des mêmes contrées. Ces marchandises, transportées sur des chars à bœufs, payent actuellement et en moyenne, le coton 2½ dollars soit 12fr. 50 par balle, et le bois, 50 dollars, ou 250 fr. par cent pieds cubes.

On a compté dans l'année 1867 une exportation de cent mille balles de coton par Jefferson.

Il faut ajouter à ce trafic naissant celui des bestiaux de boucherie et le trafic du blé qui devient énorme.

La loi de concession fixe pour maximum des tarifs :

1°. Pour les passagers, 5 cents par mille, soit 15 centimes par kilomètre ;

2°. Pour les marchandises, 50 cents par 100 livres et pour cent milles, soit 34 centimes par tonne et par kilomètre,

Ces tarifs sont inférieurs de moitié à ce qui est actuellement payé pour le transport par char à bœufs.

Ces tarifs de marchandises représentent au moins le quadruple des tarifs français.

§ 6.—*Régime hypothécaire.*

Le régime hypothécaire, aux États-Unis, diffère beaucoup du régime hypothécaire français. Il donne aux créanciers une sécurité beaucoup plus considérable. C'est avec l'intention de favoriser la colonisation et d'appeler les capitaux étrangers à cette grande œuvre, vitale pour le pays, que les législateurs américains ont cherché à réaliser la plus grande somme de sécurité possible pour les prêts hypothécaires.

En premier lieu, l'hypothèque, aux États-Unis, est définitive. Elle n'a pas besoin d'être renouvelée tous les dix ans, comme en France. Aussitôt qu'une hypothèque est enregistrée, elle ne peut plus être radiée qu'après paiement intégral du capital et des intérêts du prêt, quels que soient les possesseurs successifs du terrain hypothéqué.

Dès que le retard dans le paiement des arrérages ou du capital exigible dépasse 90 jours, le créancier devient, par ce seul fait, possesseur du gage et peut exercer sur lui tous les droits de propriété, sans autre formalité que la constatation de non-paiement devant le conservateur des hypothèques.

Toutes les constructions, tous les aménagements faits par les propriétaires successifs sur les terrains hypothéqués deviennent, au fur et à mesure de leur création, le gage du créancier aussi bien que la terre nue sur laquelle on avait originairement prêté. En cas d'éviction du débiteur au profit du créancier, ce dernier devient propriétaire des constructions comme du terrain.

Les terrains donnés en subvention aux compagnies ne sont acquis définitivement à ces compagnies que par lots, au fur et à mesure de la construction, ainsi qu'on l'a vu à la § III. Mais immédiatement après l'acte de concession, les terrains concédés sont

livrés aux compagnies, avec le pouvoir d'exercer tous les droits du propriétaire, y compris celui d'hypothéquer.

Si la compagnie ne remplit pas ses engagements et ne termine pas le chemin, on encourt la déchéance de ses droits pour une cause quelconque, les terrains font retour à l'État, mais l'hypothèque n'en subsiste pas moins entière, et l'État ou le nouveau concessionnaire reste soumis au service des intérêts et du remboursement du prêt couvert par l'hypothèque. Quoi qu'il arrive, quel que soit le propriétaire, l'hypothèque doit être servie, sous peine de laisser passer la propriété aux mains du créancier.

Or, comme la colonisation rapide des terrains de bonne qualité, surtout de ceux qui sont placés aux abords d'un chemin en construction, fait augmenter très rapidement la valeur de la terre, les possesseurs, quels qu'ils soient, ont un intérêt majeur à ne pas s'exposer à l'éviction, laquelle, du reste, constituerait le créancier en bénéfice considérable.

Les terres concédées à une compagnie ne peuvent être acquises que par un paiement fait en bonds hypothécaires de la série correspondante. L'amortissement se fait ainsi graduellement, par les rachats de la colonisation.

Les grandes compagnies d'émigration spéculent toujours sur l'organisation qui précède. Elles ramassent des bons hypothécaires sur le marché, achètent avec ces bons des terres des compagnies concessionnaires et revendent ensuite aux émigrants les propriétés ainsi acquises en échelonnant les paiements qu'elles exigent, afin d'attirer un plus grand nombre de ces colons, qu'elles recrutent chaque année par centaines de mille dans toute l'Europe.

Le régime hypothécaire qui précède est le plus puissant moyen de colonisation qui ait jamais été pratiqué.

En concédant les terres et en les livrant aux compagnies concessionnaires de chemins de fer, avant même l'exécution de la ligne, les États déterminent la colonisation immédiate. Si la compagnie tient ses engagements, elle fait fortune, et par son mécanisme financier, pousse énergiquement à la colonisation qui l'enrichit. Si la compagnie ne s'exécute pas et doit être frappée de déchéance, l'État retrouve, il est vrai, des terres hypothéquées, mais avec une plus-value énorme qui lui donne de nouvelles ressources, soit pour faire le chemin, soit pour appeler de nouveaux entrepreneurs. Dans les deux cas, la prospérité croissante de l'État est assurée, et les droits du porteur de titres sont religieusement respectés.

Les compagnies, de leur côté, ont une telle certitude de fortune à remplir leurs engagements, qu'elles font naturellement tous leurs efforts pour les tenir, et dans ce but, provoquent la colonisation avec toute leur énergie pour accroître sans cesse la valeur des terres concédées.

Les compagnies d'émigration, ayant intérêt à envoyer beaucoup d'émigrants, développent toute leur habileté pour recruter des colons et les envoyer sur des terres qu'elles peuvent se procurer à bas prix, en rachetant des bons hypothécaires.

Les émigrants qui, en général, ne peuvent acheter immédiatement la terre, ont tout intérêt à la payer par à-comptes, et à quitter l'Irlande ou l'Allemagne, après avoir traité d'une terre qu'ils sont sûrs de trouver disponible à leur arrivée. D'ailleurs, le voisinage des grandes lignes les attire beaucoup, en leur ouvrant des perspectives de fortune rapide.

ANNEXES.—ANALYSE DE L'ACTE HYPOTHÉCAIRE DE LA PREMIÈRE SÉRIE DE BONS HYPOTHÉCAIRES DU SOUTHERN-TRANSCONTINENTAL-PACIFIC.

* Rappel de la loi d'incorporation, 4 février 1856, laquelle donne 10,240 acres par mille achevé du chemin.

Savoir : $\left\{ \begin{array}{l} 5,120 \text{ acres par mille} \\ 5,120 \text{ acres par mille} \end{array} \right\} \left\{ \begin{array}{l} \text{après les 25 premiers milles (superstructure faite.)} \\ \text{après chaque 20 milles suivants (superstructure faite.)} \\ \text{après mise en état d'exploitation des 25 premiers milles.} \\ \text{après mise en état d'exploitation de chaque 10 milles} \\ \text{suivants.} \end{array} \right.$

Terrassements déjà achevés sur 65 milles de cette série donnant 332,800 acres.

Nombre des obligations de la première série de n°. 1 à n°. 7,800, soit 3,800 titres de 1,000 dollars; (de n°. 1 à 3,800;) 2,000 de 100 dollars, (de n°. 3,801 à n°. 5,800,) et 2,000 de 500 dollars, (de n°. 5,800 à n°. 7,800.)

Pour garantir principal et intérêt des bons, la compagnie a transporté aux *trustees* (notaires publics) les terrains concédés auxquels elle a maintenant droit, et tous droits aux terrains que la compagnie acquerra en vertu de la loi précédente, en raison de la construction et de la mise en exploitation du chemin. Les terrains à acquérir seront transportés au fur et à mesure que la compagnie les acquerra, ensemble avec tous les minéraux, mines, etc.

Les *trustees* (notaires publics) devront tenir lesdits immeubles en fidéicommiss pour les objets indiqués au présent acte :

À la condition que, si la compagnie rembourse et paye les intérêts aux époques indiquées, elle redeviendra propriétaire des terrains.

1°. Les trustees vendront les terrains francs d'hypothèques, pourvu qu'aucun ne soit vendu au-dessous de 5 dollars l'acre.

La compagnie donnera des bordereaux ou listes de terrains, avec estimation, en divisant les quatre classes suivant leur valeur.

Les porteurs d'obligations auront droit d'acheter les terrains et de payer en obligations. L'appoint seul sera en argent, soit d'un côté, soit de l'autre.

Mais il ne sera jamais vendu de terrain sans restitution d'obligations.

2°. Les obligations données en paiement porteront en travers une mention indiquant pour quel terrain elles ont été reçues et la date du transport.

3°. La compagnie paiera les taxes, charges et contributions imposées sur les terrains jusqu'au moment de la vente.

4°. La compagnie, sur la réquisition de *trustees*, (notaires publics,) devra délivrer tous autres actes ultérieurement reconnus nécessaires pour rendre plus efficace encore la présente garantie.

5°. La compagnie paiera les sommes stipulées aux bords hypothécaires et leurs intérêts.

En cas de retard de quatre-vingt-dix jours, la totalité du capital sera immédiatement exigible, et les *trustees* prendront possession des terrains, comme fidéicommissaires, et pourront en faire la vente.

6°. En cas de mort, démission ou destitution par un tribunal de l'un des *trustees*, les fidéicommissaires survivants nommeront un successeur audit *trustee*, (notaire public,) avec l'assentiment de la compagnie.

Certification des signatures de la compagnie et des actes par le commissaire du Texas à New York.

Même certificat des signatures des *trustees*.

Certificat de non-inscription d'autres hypothèques :

Comté de Davis, 4 mai 1867 ; comté de Marion, 25 avril, 1867 ; comté de Bowie, 4 mai 1867 ; comté de Rivière Rouge, 6 mai 1867 ; comté de Lamar, 7 mai 1867.

Certificat du comté de Lamar d'inscription de la première hypothèque concédée par la compagnie sur les terrains acquis ou à acquérir ; elle a été inscrite le 13 mai 1868.

Enregistrement des hypothèques Lamar, 13 mai 1867 ; enregistrement des hypothèques Bowie, 5 juin 1867 ; enregistrement des hypothèques Rivière Rouge, 22 mai 1867 ; enregistrement des hypothèques Davis, 11 juin 1867 ; enregistrement des hypothèques Marion, 3 juillet 1867.

Certificats du Notaire.

Certificat du Consul général de France à New York.

Légalisation.

WASHINGTON, 12 mars 1869.

Les soussignés, citoyens du Texas et membres de la convention constitutionnelle de cet État, résidant dans les comtés traversés par la ligne du Southern Transcontinental, le premier en nom dans le comté du Red River ; le second en nom dans le comté de Lamar ; le troisième en nom dans le comté de Grayson.

Certifions : Que nous connaissons bien les terres que ledit chemin de fer possède depuis Jefferson jusqu'à Paris, (Texas,) et depuis Paris jusqu'à Palo Pinto ;

Que nous savons que lesdites terres, situées de chaque côté du chemin de fer, sont de toute première qualité ;

Que ces dites terres sont spécialement adaptées à la culture du coton, du blé, de l'orge, des fruits et légumes ;

Que la valeur vénale moyenne d'une grande partie de ces terres est de quatorze à quinze dollars l'acre ; (33 dollars 6 à 36 dollars l'hectare, soit 173 à 185 fr. l'hectare ;) et que par suite de l'achèvement du chemin, nous estimons que la valeur précédente sera considérablement accrue ;

Que le pays est sain.

Ont signé :

F. W. H. PLIMMG,
Comté du Red River.

M. L. ARMSTRONG,
Comté de Lamar.

FRED. W. SUMNER,
Comté de Grayson.

Juré et signé devant moi, ce seizième jour de mars 1869.

Signé : JOHN S. HOLLINGSHEAD,
Notaire Public.

Vu au consulat général de France aux États-Unis, pour légalisation de la signature ci-dessus de M. John Hollingshead, notaire public à New York.

NEW YORK, le 19 mars, 1869.

[Inclosure No. 7.]

A WORD UPON LES OBLIGATIONS DU CHEMIN DE FER TRANSCONTINENTAL MEMPHIS-PACIFIC.

As an American established in Paris, and feeling that the securities of our country should be held in Europe in the same estimation as at home, and that the good should be sifted from the bad, I would call attention to the following facts which have come to my notice concerning the bonds of the Transcontinental Memphis-Pacific Railroad which have been lately issued in Paris.

All who read must have noticed the glaring advertisements which have appeared in the French papers, accompanied by a detailed offer to sell a large amount of the debentures of the above road. "It is stated and set forth that the company is regularly organized, with the right to construct a railway from Memphis, Tennessee, by way of Little Rock and the Red River, through Arkansas, Texas, and New Mexico, to San Diego, and thence to San Francisco. It is claimed that they have from the State of Texas a large land grant, and from the United States a guarantee of the interest on their debentures. It is further asserted that the road from Memphis to Little Rock, and thence to Red River, is now approaching completion."

On the 27th of March last, it is generally known that this so-called railroad company had not then, and at no time had had, any status whatever in law in the State of Arkansas. "In the State of Texas, a right of way, corporate privileges, and a land grant, which had been conferred before the war, all dependent upon the fulfillment of certain conditions, had lapsed during the war, by reason of their non-performance, and the recent State convention of Texas has refused to renew the grant, or revive the privileges."

2. The advertisement of the company says that government has guaranteed the six per cent. interest on the construction bonds.

"Up to the date I have mentioned, the United States Congress had not even entertained a proposition to guarantee the interest on the debentures of this company, although a resolution to grant it the right of way through New Mexico and Arizona had passed the House of Representatives."

This company has never constructed a mile of road in the State of Arkansas, or finished a mile in Texas, although it did do some grading in the latter State before the war.

In alluding to this road, the New York Journal of Commerce says: "That Congress has given *no vote* for the road, and that those who opposed it *said there was no real intention of constructing the road from Memphis to the Pacific.*"

In regard to the value of the land, which is to be the guarantee for the bonds, and which the company value at 175 francs to 185 francs the hectare, let me say, in all truth, it is *not worth over one dollar and a quarter* to the acre, which would be 17½ francs to the hectare; and that any emigrants who are bold enough to go there and become squatters can take possession of *any quantity of the land* at the government price, or 17½ francs the hectare.

Again: for the land said to be conceded to the road, bonds can only be issued *mile for mile, as they go on with it.* Further comment is unnecessary.

From El Paso to Los Angeles the road traverses one of the most God-forsaken countries in the world, without wood or water. All is to create. There are no roads after leaving El Paso; no towns, no cities, but, in fact, almost a barren wilderness, without *other inhabitants than Apache Indians.* San Diego is a town of only two thousand inhabitants.

Why should this road be built, when no one will travel by a railroad taking *seven* days when it can be done in *five*? If for freight, none can support the extra charge.

It will be easily perceived, therefore, that the representations made to induce the unsuspecting public to buy these bonds are without foundation in fact. Further, capitalists interested in American securities were commenting upon the conduct of the negotiators in the Paris Bourse, and from every side it is the general opinion that their conduct is calculated to bring American securities into general disrepute. And it is inconceivable to me how such a project should have had the sanction of the syndic of the Paris Bourse.

In conclusion, it behoves me, in exposing this imposture, to say that as the evil has emanated in *Paris*, it is in *Paris* that the remedy should be applied, and all means resorted to by those advocating American interests and securities to repress this at once, and use the proper discretion to expose publicly the project of this so-called Transcontinental Memphis-Pacific Railroad.

The advertisement states that the Transcontinental has fused with all the other companies. On what terms?

Where is the bureau of the company?

At whose office, and where are the coupons payable?

Who are the president and directors?

Are the shares subscribed? and, if so, have they been paid up?

J. Q. A. WARREN.

LE GRAND HOTEL, Paris, May 22, 1869.

[Enclosure No. 8.—Map États-Unis D'Amérique.]

[Inclosure No. 9.]

SITUATION GÉOGRAPHIQUE.

Ainsi qu'on peut le voir par le croquis ci-joint, le chemin de fer Transcontinental-Memphis-Pacific touche à l'océan Atlantique directement par deux points, Baltimore et Norfolk; indirectement par le port de Charleston. Toutes ces branches, qui embrassent environ 200 lieues de côtes, se réunissent à Chattanooga, après avoir desservi les États du Maryland, de Virginie, des deux Carolines, c'est-à-dire les contrées les plus fertiles en tabac et en coton.

A partir de Chattanooga, la ligne unique traverse tout l'État du Tennessee, par Hanteville, Decatur et Ripley, pour aboutir à Memphis sur le Mississippi. Dans cette seconde partie de son trajet, elle reçoit comme affluents: 1°. près d'Atlanta, le réseau qui se termine d'un côté à Savannah, sur l'océan, de l'autre à Mobile sur le golfe, réseau qui dessert les États de Georgie, Floride, Alabama; 2°. à Decatur, le réseau convergent des lignes du nord-est, New York, Cincinnati et autres villes populeuses et industrielles des États de New York, Ohio, Indiana, Kentucky.

Enfin, à Memphis même, la voie ferrée est en communication directe avec la navigation du Mississippi, la plus considérable navigation fluviale du globe, en même temps qu'avec les lignes du nord, Chicago, Saint-Louis, et du sud, Jackson, Nouvelle-Orléans.

Toute cette partie du chemin de fer Transcontinental (près de 600 lieues) est en exploitation depuis plusieurs années.

A partir de Memphis, la voie ferrée se développe dans les contrées de l'ouest. La section de Memphis à Little-Rock, sur la rivière de l'Arkansas, est terminée et en exploitation. De Little-Rock à la Rivière-Rouge, la construction est poussée très-activement, de telle sorte que la traversée de l'État d'Arkansas sera achevée et que celle du Texas est commencée.

À Jefferson, le chemin de fer atteint le centre de la navigation de la Rivière-Rouge, qui sert aux transports sans cesse croissants entre la Louisiane et le Texas.

De Jefferson, la ligne se dirige sur Paris, Palo-Pinto, Phantom Hill, Sand Hills, coupant la contrée la plus fertile de l'État du Texas, dans des plaines où les travaux sont faciles, et qui, propres aux cultures de coton, de blé, de maïs, nourrissent d'innombrables troupeaux et fournissent les États de bétail et de bois de construction.

Entrant ensuite sur le territoire du Nouveau-Mexique (qui fait partie des États-Unis,) le Transcontinental rencontre à El Paso la grande route commerciale de Guaymas et de l'intérieur du Mexique à Santa-Fé. Il supprimera à l'avenir les dangereuses marches de caravanes de Santa-Fé à San-Francisco, au Mexique, à la Nouvelle-Orléans et à Saint-Louis. Il atteint ensuite la Californie, après avoir recueilli à Arizona-City le trafic de la grande rivière Colorado.

Un embranchement dirigé d'Agua-Caliente sur San Diégo donne au Transcontinental son premier débouché sur l'océan Pacifique. San-Diégo est le seul port de la côte qui présente la même sécurité que San Francisco, et il est situé plus avantageusement sur la route maritime de Californie en Chine et au Japon; à plus forte raison sur la route de l'Océanie. Pénétrant dans la vallée que forment les deux branches principales de la Sierra-Névada, la ligne principale aboutit définitivement à San-Francisco.

Elle relie ainsi les deux océans par plusieurs points (*trois* sur l'Atlantique et *deux* sur le Pacifique) et met en communication directe les États de l'est et du sud avec ceux de l'ouest, sans quitter la zone tempérée. Traversant les grandes chaînes de montagnes dans des endroits où elles se dépriment et ouvrant de larges passes, elle ne nécessite pas de travaux extraordinaires, et les intempéries des saisons ne peuvent jamais interrompre l'exploitation.

Il est donc impossible de contester les avantages de la situation géographique de cette gigantesque entreprise, qui, sur tout son parcours, ne rencontre nulle part une terre ou stérile ou improductive.

SITUATION FINANCIÈRE.

Le capital de la compagnie se compose :

- 1°. De 210 millions de francs en actions de 125 francs.
- 2°. D'obligations de construction, ayant privilège sur les seuls produits de l'exploitation de la ligne.
- 3°. De *bonds* hypothécaires (*first mortgage bonds*) représentant les subventions en terres accordées par les États et gagées par ces mêmes terres, qui ne peuvent être aliénées que quand les *bonds* hypothécaires sont remboursés.

La compagnie, avec approbation du Congrès, s'est fusionnée avec les lignes construites et actuellement en exploitation de Memphis à Chattanooga, de Chattanooga à Washington, à Baltimore, de Chattanooga à Norfolk, et de Washington à Norfolk par Richmond.

Outre les concessions en terres, le gouvernement fédéral a voté une garantie d'intérêt de 6 pour cent pour les obligations ordinaires de construction.

Les frais de construction pour la section qui traverse l'État du Texas sont évalués, y compris le matériel fixe et roulant, à 21,598,185 dollars pour une longueur de 813 milles, soit 26,566 dollars par mille. (Un mille représente un peu plus de 1 kilomètre et demi.)

Les *bonds* hypothécaires, actuellement négociés sur le marché de Paris par l'entremise des agents de change, ont pour origine le paiement d'une commande de matériel faite aux usines françaises.

Les deux séries de *bonds* de première hypothèque, qui servent au paiement de la commande, représentent au remboursement un capital de 5 millions de dollars ou 25 millions de francs chacune.

Chaque *bond* est remboursable, en 1890, à 1,000 dollars, espèces, au change de 5 francs 15 par dollar, soit 5,150 francs (or.)

Le revenu est de 60 dollars, (or.) payables en espèces au change de 5.15 par dollar, soit 309 francs ou deux coupons trimestriels de 154.50 en janvier et juillet.

Les coupons sont payables à Paris, où s'effectuera également le remboursement.

Admises à la cote sur le cours de 780 dollars (3,900 fr.,) ces *bonds* sont déjà à 792 dollars (3,960 francs.)

Les explications données d'autre part sur la situation géographique du chemin, sur la valeur du gage hypothécaire et la solidité de l'hypothèque, justifient la faveur avec laquelle ces titres ont été accueillis.

D'ailleurs, la cote des valeurs similaires sur les marchés étrangers prouve que le prix normal n'est pas encore atteint. Voici en effet comment les *bonds* hypothécaires se négocient à Londres comparativement au 6 pour cent fédéral.

	Prix Anglais.	Prix Français calculé.
6 pour cent fédéral 1882.....	83½	96½
6 pour cent fédéral 1885.....	82½	95½
6 pour cent fédéral 1887.....	79	92
6 pour cent fédéral 1888.....	78½	91
Bonds 6 pour cent Illinois (1re hypoth.).....	100	116½
Bonds 7 pour cent Panama (Gén. hypoth.).....	105	121
Bonds 6 pour cent Pennsylvanie (2e hypoth.).....	95	111
Bonds 6 pour cent Philadelphie Erie 1re hypothèque, rembours, 1881.....	87	100
Bonds Wisconsin.....	70	81

On voit par ce tableau que les *bonds* hypothécaires des chemins des Etats-Unis sont estimés en Angleterre à plus haut prix que le 6 pour cent fédéral lui-même. C'est, du reste, ce qui se produit en France, où les obligations 3 pour cent du crédit foncier sont au pair, alors que la rente 3 pour cent est tenue à 71 fr.

C'est qu'il est sans exemple qu'une compagnie américaine ait laissé en souffrance ses *bonds* hypothécaires; elle y perdrait la plus-value de ses terrains, plus-value qui constitue sa vraie subvention. Or, cette plus-value atteint toujours des proportions considérables; c'est ainsi que la compagnie de l'Illinois-Central a pu, après avoir remboursé ses obligations hypothécaires, amortir avec la plus-value des terrains les six-dixièmes de son capital de construction, la vente des terres qui formaient le gage ayant produit un capital plusieurs fois égal à l'importance de l'emprunt.

Les *bonds* hypothécaires du Transcontinental Pacific du sud des Etats-Unis ont été admis à la cote officielle de la Bourse de Paris, par la chambre syndicale des agents de change, le 17 mars 1869.

[Journal officiel de l'Empire Français.]

TRACÉ DU CHEMIN DE FER TRANSCONTINENTAL-MEMPHIS-PACIFIC.

De L'hypothèque.

Réalité du privilège.—En vertu de la législation qui régit l'hypothèque aux États-Unis, le privilège hypothécaire se fractionne et suit chaque part du titre primitif, ce titre fût-il au porteur.

D'où il résulte que le propriétaire ou le détenteur de la plus faible partie d'une créance hypothécaire a le droit d'exiger l'exécution du débiteur, de le déposséder de la terre donnée en gage et d'en provoquer la vente immédiate.

En un mot, si une compagnie ayant émis des *bonds* hypothécaires, la compagnie du Transcontinental, par exemple, ne tenait pas ses engagements, la compagnie serait déchue de ses droits à la plus-value des terrains, droits qui constituent sa subvention; mais les fidéi-commissaires, (*trustees* ou notaires publics,) qui ont pris l'hypothèque, tiendraient à l'égard des porteurs de *bonds*, à l'aide du gage hypothéqué, les engagements pris envers ces porteurs, aux lieu et place de la compagnie elle-même.

Situation du gage.—Les terres sur lesquelles repose l'hypothèque des deux seules séries négociées en Europe de *bonds* du Transcontinental-Memphis-Pacific sont situées dans le nord du Texas, à proximité de la rivière Rouge, des deux côtés du chemin de fer, entre Jefferson et Palo-Pinto (300 milles de longueur ou 480 kilomètres,) à peu de dis-

tance des villes de Preston, Boston, Bouham et Dallas. Ce sont des terres de grande culture, avec terrains propes à bâtir, arrosés de nombreux cours d'eau, affluents de la rivière Rouge, de la rivière Sabine et de la rivière Trinity.

Étendue et valeur du gage.—La concession est de 2,572 hectares par kilomètre.

La section de Jefferson à Paris, affectée à une seule série de bons (la première,) compte 240 kilomètres.

C'est donc un total de 618,000 hectares.

D'après des déclarations authentiques, la valeur vénale actuelle de ces terres, sans tenir compte de la plus-value qu'elles acquerront par le passage de la voie ferrée, est de 175 à 185 fr. l'hectare. En prenant le premier chiffre, on arrive à un total de 108 millions.

Proportion de l'hypothèque au gage.—Les bons émis représentent au remboursement un capital de 25 millions par série.

Le gage vaut 108 millions par série.

La proportion est donc quatre fois $\frac{3}{10}$, près de cinq fois le montant de la somme prêtée.

Imprescriptibilité de l'hypothèque.—L'hypothèque portant d'une manière absolue, et en premier ordre, sur les terrains désignés spécialement, compris le long de la section Jefferson à Paris (150 milles), et de la section de Paris à Palo-Pinto (150 milles), aucun emprunt ultérieur ne peut être inscrit sur ce gage à moins de venir en second rang. Quelles que soient donc les émissions que la compagnie pourrait décider par la suite, elles ne sauraient porter que sur d'autres terrains, et les bons gagés sur la section de Jefferson à Paris et sur celle de Paris à Palo-Pinto ne perdraient en aucune façon leur privilège exclusif. Leurs droits sont dès à présent imprescriptibles.

No. 2.

Mr. Fish to Mr. Cox.

DEPARTMENT OF STATE,

Washington, June 17, 1869.

SIR: I have the honor to submit for your perusal a dispatch of the 4th instant, No. 5, from Mr. Washburne, the minister of the United States to France, and the papers which accompanied it, in relation to suspected fraudulent transaction in connection with what is advertised as the Transcontinental Memphis Pacific Railway.

I commend to you favorable attention Mr. Washburne's suggestion that an early investigation of the matter be made under your direction, with a view to enabling him to put an end to any uncertainty which may exist at Paris in regard to the character of the scheme referred to.

I will thank you to return the inclosed papers when you shall have done with them.

I have the honor to be, very respectfully, your obedient servant.

HAMILTON FISH.

Hon. J. D. COX, *Secretary of the Interior.*

No. 3.

Mr. Fish to Mr. Washburne.

No. 11.]

DEPARTMENT OF STATE,

Washington, June 18, 1869.

SIR: I have to acknowledge the receipt of your dispatch of the 4th instant, No. 5, in relation to the transactions at Paris, in the name of the "Transcontinental Memphis Pacific Railway."

In compliance with your suggestion I have requested † the Secretary of the Interior to cause the matter to be investigated without delay. The result will be duly communicated.

I am, sir, your obedient servant,

HAMILTON FISH.

E. B. WASHBURN, Esq., &c., &c., &c.

† See No. 1.

‡ See No. 2.

No. 4.

Mr. Fish to Mr. Washburne.

No. 14.]

DEPARTMENT OF STATE,
Washington, June 25, 1869.

SIR: Referring to your dispatch of the 4th instant, No. 5, and its accompanying papers, in relation to the so-called "Transcontinental Memphis Pacific Railway," I have now to transmit a copy of a letter addressed to me on the 19th instant, by the Hon. W. T. Otto, acting Secretary of the Interior.

I am, sir, your obedient servant,

HAMILTON FISH.

E. B. WASHBURN, Esq., &c., &c., &c.

[Inclosure.]

*Mr. Otto to Mr. Fish.*DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 19, 1869.

SIR: I have the honor to acknowledge the receipt of your communication of the 17th instant, transmitting a letter and accompanying papers received by the Department of State from Mr. Washburne, minister of the United States to France, in relation to the Transcontinental Memphis-Pacific Railway Company.

You suggest the propriety of an investigation by the Interior Department of the matters referred to by Mr. Washburne. No company of that name, or by the name of the Transcontinental Memphis, El Paso, and Pacific Railroad Company, has been organized under authority of an act of Congress.

I respectfully refer you to an act of Congress approved July 28, 1868, (Stat. vol. 14, p. 338,) reviving and extending the provisions of an act entitled "An act granting the right of way and making a grant of land to the States of Arkansas and Missouri, to aid in the construction of a railroad from a point upon the Mississippi opposite the mouth of the Ohio River, via Little Rock, to the Texan boundary near Fulton, in Arkansas, with branches to Fort Smith and the Mississippi River, approved February 9, 1853."

The board of directors of the company mentioned in the proviso to the third section of the act, and who are engaged in the construction of the Memphis and Little Rock branch, have been reorganized, and the required certificate has been filed in this department. It forms a connection with the Cairo and Fulton railroad, and when these roads are completed, will form a continuous line commencing at a point opposite Memphis, and extending through Little Rock to the southwestern corner of the State of Arkansas. To that extent, this line conforms substantially to that delineated upon the map transmitted by Mr. Washburne. I am unable to state whether a company was organized by the State of Texas to extend the road through that State.

I believe that a project was formed to construct a railroad through Arkansas and Texas to the Rio Grande, opposite El Paso, and from thence to the Pacific coast through the southern portions of New Mexico, Arizona, and California. The records of this department, however furnish no evidence upon the subject. The United States have granted no subsidies, either in land or money, to aid in the construction of that railroad, nor have they in any instance guaranteed the payment of interest on bonds or debentures issued by any railroad company.

The papers are herewith returned.

I am, sir, very respectfully, your obedient servant,

W. T. OTTO, *Acting Secretary.*Hon. HAMILTON FISH,
Secretary Department of State.

No. 5.

Mr. Davis to Mr. Hoffman.

No. 9.]

DEPARTMENT OF STATE,
Washington, August 5, 1869.

SIR: Referring to Mr. Washburne's dispatch of the 4th of June last, No. 5, and to the department's reply thereto of the 25th of that month,

No 14, in relation to the Transcontinental Memphis-Pacific Railway, I transmit a copy of a letter of the 3d instant from the Secretary of the Interior, which is accompanied by a communication of the 30th ultimo, from B. H. Epperson, esq., president of the Memphis, El Paso, and Pacific Railroad Company, and a copy of a letter from the Hon. R. C. McCormick, delegate in Congress from the Territory of Arizona.

Although there appears to be some variation in the title of this railroad company as advertised at Paris and in the United States, the inclosed papers evidently relate to the one which formed the subject of Mr. Washburne's dispatch, and they are forwarded for the information of the legation, and the parties concerned, in France.

I am, sir, your obedient servant,

J. C. B. DAVIS,
Acting Secretary.

WICKHAM HOFFMAN, Esq., &c., &c., &c.

[Inclosure No. 1.]

Mr. Cox to Mr. Fish.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., August 3, 1869.

SIR: This department, on the 19th of June last, answered your communication relative to a railway company mentioned in a dispatch which you had received from the Hon. E. B. Washburne, minister of the United States to France.

I have just received the accompanying letter and papers from B. H. Epperson, esq., president of the Memphis, El Paso, and Pacific Railroad Company. I transmit, also, a copy of a letter from Hon. R. C. McCormick, a delegate in Congress from the Territory of Arizona.

This company was not organized under an act of Congress, nor has it received any grant from the government of the United States. The records of this department are, consequently, silent respecting it, and I regard Mr. Epperson's letter simply as a statement, furnished by the president of the company, touching its charter, condition, and prospects. He desires that his letter and the papers herewith sent, all of which refer to the same subject, should be forwarded to our legation at Paris for the information of Mr. Washburne.

I am, sir, very respectfully, your obedient servant,

J. D. COX, *Secretary.*

The Hon. THE SECRETARY OF STATE.

Accompanying these papers was a certified copy of a letter of July 30, 1869, from Dr. William Schmoele to Hon. B. H. Epperson, president Memphis and El Paso Railroad Company, office 90 Broadway, New York, stating that he and his brother, Dr. Henry Schmoele, both of the city of Philadelphia, had sold to the company 1,023 acres of land on west side of Norfolk harbor, and pointing out the advantages of the locality as a great commercial center of trade and travel.

Also, a pamphlet, 72 pp., entitled "Memorial of the Memphis and El Paso Pacific Railroad Company of Texas," praying for a grant of public lands and a loan of United States bonds, to aid in constructing a continuous line of railroad and telegraph from Jefferson, in Texas, to San Diego, in California, by the way of El Paso, with authority to make such railroad connections as to reach San Francisco, Guaymas, Memphis, and Virginia City, on the harbor of Norfolk, in Virginia, or any other point on the Atlantic coast and Washington City, under the title of "The Southern Transcontinental Railroad."

[Inclosure No. 2.]

Mr. Epperson to Mr. Cox.

JULY 30, 1869.

Some months since the Memphis, El Paso, and Pacific Railroad Company, (which was incorporated by the legislature of the State of Texas in the year 1856,) made applica-

tion to the French government for permission to offer for sale in that empire its first mortgage bonds, which are secured by a lien upon the lands granted the company by the State of Texas.

After investigation into the affairs of the company by the proper authorities, and an examination of its charter, with the amendments thereto, (authentic copies of which were submitted with the application,) the permission prayed for was granted, and bonds of the company to the extent of several millions of dollars have been sold upon the Bourse in Paris.

The company has learned that inquiries have been made through the American minister in France, asking for information, &c., touching its status, condition, &c.

As president of the company, the undersigned begs leave to submit the following statement in relation to its history and affairs, in order that the officials of our government, when called upon, may be able to afford accurate information.

Herewith is submitted the original act of incorporation by the legislature of Texas, of date February 4, 1856, beginning on page 47 of the accompanying pamphlet, followed by three supplemental and amendatory acts; also two general laws of the State of Texas in relation to railroads, and an ordinance of the convention that was called by authority of the general government in 1866 for the purpose of amending the constitution of the State. Reference is also made to a general law of the State of Texas, passed in the year 1866, which granted to the various bona fide railroad companies of the State ten years further time in which to avail themselves of the lands previously granted. The last law referred to is not at hand, but doubtless is accessible in the libraries at Washington.

It will be observed from the several acts referred to that the Memphis, El Paso, and Pacific Railroad Company was incorporated by the legislature of the State of Texas for the purpose of constructing and operating a railroad across the State on or near the thirty-second parallel of latitude, with the privilege of consolidating by purchase or otherwise with other roads.

And to aid in the construction of the road the State of Texas granted to the company ten thousand two hundred and forty acres of land per mile, or a little over eight million of acres, which will be seen by reference to the several acts hereinbefore alluded to.

Prior to the late civil war the company had located the line of their road across the State, and had actually surveyed the vacant lands within their reservation, from the eastern border of the State as far west as the Brazos, and returned the same (with maps, plats, field-notes, &c., &c., numbered, showing the company's and the State sections) to the general land office of the State of Texas, where they are now on file.

In addition to this the company had graded over seventy miles of their road, had purchased iron for fifty miles of the same, together with an engine, locomotive, &c. A large amount of the iron had been received at the time of the breaking out of the war, at which time operations were suspended by the company. Their iron was seized and used by the confederate authorities. Since the surrender, the company have been earnestly and faithfully endeavoring to renew their great enterprise, work has already been begun, several corps of engineers are now in the field, and the actual construction going on. The company, by purchase and agreement of consolidation with other roads, has secured the right of way for about three-fourths of the distance across the continent.

The House of Representatives of the fortieth Congress passed a joint resolution granting to the company the right of way through the Territories, and over the public lands of California to the Pacific Ocean, by an overwhelming majority. This resolution failed in the Senate for the want of time to reach it regularly. The House of Representatives of the forty-first Congress again, by a large majority, passed the same resolution, and in the Senate was reported favorably by the committee to which it was referred, with an immaterial amendment, and is now pending for future action.

For these facts, reference is made to the journals of the two houses of Congress, which will show favorable reports from four or five committees, recommending the passage of the resolutions mentioned. Reference is made to this action of Congress in order to show that there has been no hostility on the part of our government to this company; on the contrary, so far as there has been any action that it has been most favorably disposed to encourage it.

The purpose of the company is to construct another transcontinental railway over a line the most favorable, traversing the most productive regions between the two oceans, with less liability to interruption by the snows of winter than the line already completed, and which is more preferable than any of the other projected lines through our own territory. These statements are warranted by the known facilities with which a railroad may be constructed on the thirty-second parallel, and from the reports of the different officers of the government who have examined and reported upon the different routes. The Memphis, El Paso, and Pacific Railroad Company feel that they may confidently rely upon the support of the national government in its honest efforts to accomplish this great and important work. And in giving information to the agents of the government, the company most respectfully request that such facts touching

the action of Congress concerning the road, its actual status, &c., be stated as will clearly and fairly represent its actual condition.

The statement that the general government has not incorporated the company and made no grant of lands to it, without the additional statement of its incorporation and grant of lands by the State of Texas, and that such State exercises complete control over its public domain, independent of the general government, is calculated to greatly prejudice the interests of the company in Europe, where the form of our government is so little understood, and where the opinion so generally prevails that the public lands of all the States of the Union are under the entire control and direction of Congress.

It is respectfully asked, should any misapprehension have arisen from want of proper information to our national representatives abroad, concerning the project discussed, that the proper authorities transmit such a statement as the facts will justify.

In its efforts to construct a railway across the continent, on the thirty-second parallel and entirely on territory under the jurisdiction of the United States, the Memphis and El Paso Railroad Company has found access to European capital. In the application to the French government for permission to place the bonds of the company upon the market there, the claims of the company to credit were based upon the charter and grant of lands emanating from the State of Texas.

With justice from the authorities of the government, the company feel quite confident of success. That not only this will be cheerfully given, but that the most liberal policy will be pursued by Congress toward the enterprise, the company have no doubt.

Very respectfully, your obedient servant,

B. H. EPPERSON,

President Memphis, El Paso, and Pacific Railroad Company

The Hon. SECRETARY OF THE INTERIOR,

Washington, D. C.

[Inclosure No. 3.]

Mr. McCormick to Mr. Cox.

NEW YORK, July 21, 1869.

SIR: The officers of the Memphis, El Paso, and Pacific Railroad Company hope your reply to Minister Washburne's inquiry regarding their company is not as reported in the daily journals.

The company has not only a right of way through Texas and California, but a grant of eight millions of acres in the former State and a large tract in the latter. At the late session of Congress it was granted a right of way by the lower House by a vote of three to one, and could a vote have been reached in the Senate the House vote would, it is believed, have been concurred in by a handsome majority.

The company has actually begun work in Texas and is prosecuting it with vigor.

Living upon the thirty-second parallel, the proposed route of the company, and knowing the truth of the statements herein made, I join the officers of the company in the hope that, if you have not already done so, you will place it before the people of France in a more favorable light than that indicated by the report referred to.

I am, with great regard, your obedient servant,

R. C. McCORMICK,

Member of Congress from Arizona.

Hon. J. D. Cox,

Secretary of the Interior.

[Inclosure No. 4.]

Mr. McDonald to Dr. Schmoele.

JULY 28, 1869.

DEAR SIR: The following statement will show the legislation of the Senate upon the subject of the Memphis and El Paso railroad:

"January 29, 1869, (third session, fortieth Congress,) Mr. Harlin introduced a bill to aid the Memphis, El Paso, and Pacific Railroad Company of Texas in constructing a railroad and telegraph line from the Mississippi River to the Pacific Ocean, which was referred to the Committee on the Pacific Railroad, and on the 19th of February, 1869, the committee was discharged from its further consideration. No further action was had upon it. A copy of the bill is furnished,

"February 10, 1869, (third session, fortieth Congress,) Mr. Robertson introduced a bill granting the right of way to the Memphis, El Paso, and Pacific Railroad Company from El Paso to the Pacific Ocean, which was referred to the Committee on Public Lands, and on the 17th February, 1869, the bill was reported by the committee with amendments. No further action was had upon it. A copy of the bill is furnished.

"February 22, 1869, (third session, fortieth Congress,) the House of Representatives passed a joint resolution granting the right of way to the Memphis, El Paso, and Pacific Railroad Company from El Paso to the Pacific Ocean, which on the same day was received in the Senate, read twice, and ordered to lie on the table. No further action was had upon it. A copy of the resolution is furnished.

"March 9, 1869, (first session, forty-first Congress,) Mr. Morton introduced a joint resolution granting the right of way to the Memphis, El Paso, and Pacific Railroad Company from El Paso to the Pacific Ocean, which was referred to the Committee on Public Lands, and on the 3d of April, 1869, the committee reported the resolution with amendments. No further action. A copy furnished.

"March 23, 1869, (first session forty-first Congress,) joint resolution granting the right of way to the Memphis, El Paso and Pacific Railroad Company, passed by the House of Representatives March 22, 1869, was received by the Senate, read twice, and ordered to lie on the table. No further action. A copy furnished."

From this it will appear that the subject of granting the right of way to the Memphis, El Paso and Pacific Railroad Company was five times brought before the Senate. Three of these propositions originated in the Senate, and two in the House of Representatives.

Those brought before the Senate, at the fortieth Congress, fell with the termination of that Congress, on the 3d of March, 1869. Those brought before it at the first session of the forty-first Congress, viz, the joint resolution introduced by Mr. Morton and that which passed the House of Representatives, are still pending in the Senate, upon its calendar, and will be resumed at the next session of Congress, which commences on the first Monday in December next.

With very great respect, I am, sir, your obedient servant,

W. J. McDONALD,
Chief Clerk Senate United States.

Dr. WILLIAM SCHMOELE.

[Inclosure No. 5.]

Mr. McDonald to Dr. Schmoele.

JULY 30, 1869.

DEAR SIR: In continuation of my letter of the 28th, giving you information touching the action of the Senate upon the subject of the Memphis, El Paso, and Pacific railroad, I now desire to inform you of the action of the House of Representatives upon the same subject, which is as follows:

"On the 22d of February, 1869, (third session, fortieth Congress,) Mr. Williams, on leave, introduced a joint resolution (No. 465) granting the right of way to the Memphis, El Paso, and Pacific Railroad Company from El Paso to the Pacific Ocean; which was read a first and second time.

"On the question of the engrossment of the resolution the main question was ordered by a vote of yeas 123, nays 45, and being put the resolution was ordered to be engrossed and read the third time by a vote of 121 yeas to 41 nays. (House Journal, third session fortieth Congress, pp. 415, 417. A printed copy herewith inclosed.)

"On the 22d of March, 1869, (first session forty-first Congress,) Mr. Winans, on leave, introduced a joint resolution (No. 40) granting the right of way to the Memphis, El Paso and Pacific Railroad Company from El Paso to the Pacific Ocean; which was read a first and second time."

The main question: "Shall the resolution be engrossed and read a third time," was then ordered to be printed by a vote of 102 yeas to 49 nays. (House Journal, first session forty-first Congress, pp. 90, 91. A printed copy herewith inclosed.)

The question of the passage of these resolutions being involved in that of their engrossment, (which was a test question,) was not decided by yeas and nays: had the yeas and nays been taken on the question of their passage, it would have been decided by the same vote that ordered their engrossment and third reading. The printed extracts from the journal of the House, which are inclosed, will give in detail its entire action on the resolutions.

I am, sir, with very great respect, your obedient servant,

W. J. McDONALD,
Chief Clerk Senate United States.

Dr. WILLIAM SCHMOELE, &c., &c., &c.

[Inclosure No. 6.]

Mr. Brinkley to Mr. Frémont.

MEMPHIS, TENN., April 5, 1867.

DEAR SIR: A convention of the stockholders of the Memphis and Little Rock railroad was held in this city yesterday for the purpose of taking action in relation to the contract of consolidation with the Memphis, El Paso and Pacific railroad, and resulted in the ratification of the contract by a unanimous vote of the stockholders.

It was the largest and most harmonious meeting of stockholders that has ever taken place since the organization of the company. Nearly all the stock was represented, and not an objection made or intimated by any one. Indeed, I have never seen so harmonious an assembly on any subject.

I herewith inclose copy of a bill passed by the late legislature of Arkansas, granting State aid to railroads, which applies to our road and operates as a second mortgage only, if we choose to avail ourselves of it.

A bill was also passed authorizing the road to accept land as subscription for stock in the road, and exempts all lands now owned by this road, or that may hereafter be subscribed as stock, from taxation for five years. If desirable, I think a large landed subscription could be procured.

The legislature of Arkansas will meet again the 8th of July next, and, if desirable, I think a charter can be procured to build a road from Pine Bluff, on the Arkansas River, to Fulton, on the Red River. We now have the right to build the road from Duvall's Bluff, where our road crosses White River, to Pine Bluff; thus giving us the right to build a road from Memphis to Fulton, the eastern terminus of the El Paso and Pacific road, without interfering with the Cairo and Fulton road.

I shall be pleased to hear any suggestions you may wish to make in regard to the construction and operation of the Memphis and Little Rock railroad.

Mr. Epperson is here. He leaves to-morrow for his home in Texas.

Very respectfully, yours, &c.,

R. C. BRINKLEY.

Gen. J. C. FRÉMONT.

OFFICE OF THE MEMPHIS, EL PASO AND PACIFIC RAILROAD COMPANY,
90 Broadway, New York, July 31, 1869.

I hereby certify that the foregoing transcript is a true and correct copy from the original on file in the archives of this office.

W. G. SNELLING,
Secretary M., E. P. & P. R. R. Co.

[Inclosure No. 7.]

Mr. Throckmorton to Mr. Epperson.

NEW YORK, July 30, 1869.

DEAR SIR: In answer to your inquiries I have to say:

1st. That the charter of the Memphis, El Paso and Pacific railroad is a subsisting one, and intact under the laws of the State.

2d. That under the original act of incorporation and supplemental acts thereto, and general laws of the State, your company are entitled to sixteen sections of six hundred and forty acres each of land for every mile of road that is completed and put in running order.

3d. That your company have the right, under the laws of Texas, to construct a railroad from the eastern boundary of the State, near Fulton, Arkansas, to El Paso, on the Rio Grande.

4th. That you have the right of forming connections and consolidations with other companies.

5th. That prior to the war your company had graded between fifty and one hundred miles of road, the precise amount never known to me, and that a locomotive engine and considerable iron were received ready for use, which the confederate authorities seized.

6th. That the official records of the general land office of the State of Texas show that your company by actual survey had located the line of your road from the Arkansas State line to the dividing ridge between the Brazos and Colorado rivers, and that the maps, plots, and field-notes of the vacant lands within eight miles on each side of the line of the road had been duly returned as required by law, showing which section or portion of section the State and company were entitled to.

The same records also show that the remainder of the line had been designated to the western border of the State.

7th. The line of your road passes through one of the most fertile, productive, and healthy regions of Texas.

8th. The project is regarded with great favor by the people of our State.

Very respectfully, your obedient servant,

J. W. THROCKMORTON.

Col. B. H. EPPERSON,

Pres't M., E. P. & P. R. R. Co., No. 90 Broadway, New York.

No. 6.

Mr. Washburne to Mr. Fish.

No. 44.]

LEGATION OF THE UNITED STATES,
Paris, August 25, 1869.

SIR: I have the honor to acknowledge the receipt of the dispatch of the Hon. J. C. B. Davis, Acting Secretary of State, No. 9, dated on the 5th instant, and addressed to Wickham Hoffman, esq., transmitting a copy of a letter from the honorable Secretary of the Interior, accompanied by many documents in regard to the Memphis, El Paso and Pacific Railroad Company.

I beg to state that I shall place the said documents at the disposition of all persons desiring information on that subject.

I have the honor to be, very respectfully, your obedient servant,
E. B. WASHBURNE.

Hon. HAMILTON FISH,
Secretary of State.

No. 7.

Mr. Fish to Mr. Washburne.

No. 43.]

DEPARTMENT OF STATE,
Washington, October 7, 1869.

SIR: Mr. D. W. C. Clarke, representing himself as acting on behalf of the persons interested in the Memphis, El Paso and Pacific Railroad Company, has requested this department to instruct you to furnish to General Frémont, or to the responsible agent in Paris of the Memphis, El Paso and Pacific Railroad Company, copies of all the documents relative to the status of that company, transmitted through this department, with an instruction from Mr. Davis to Mr. Hoffman, of the 5th of August last, No. 9, at the request of the Secretary of the Interior, for your information. A copy of Mr. Clarke's letter is herewith inclosed.

You will pursue such course in this matter as in your judgment the merits of the case and justice to all the parties call for. The papers referred to seem to relate to business matters of private individuals with which this department has no official connection. As I perceive by your dispatch of the 25th of August that you propose to place them at the disposition of all persons desiring information on the subject, which will include the persons whom Mr. Clark represents as well as the takers of the bonds, and all others interested, and will comply with

the spirit of Mr. Davis's instructions, I do not see that any further instructions are called for.

I am, sir, your obedient servant,

HAMILTON FISH.

E. B. WASHBURNE, Esq., &c., &c., &c.

[Inclosure.]

Mr. Clarke to Mr. Fish.

431 TWELFTH STREET,
Washington, October 4, 1869.

SIR: Referring to the interview with which you honored me yesterday, through Mr. Davis, the Assistant Secretary, I have to request that Mr. Washburne, our minister near Paris, be instructed to furnish to General Frémont, or to the responsible agent in Paris of the Memphis, El Paso and Pacific Railway Company, copies of all the documents relative to the status of that company, sent to you in August by Mr. Secretary Cox, and transmitted by you to Mr. Washburne for the information and benefit of "all concerned." I hope you will pardon me for suggesting that it is a little singular that your department, or Mr. Washburne, should be complicated in any way with a matter of this kind; but as Mr. Washburne thought proper to interfere, through your department, I feel sure that you will be willing to aid, in all just ways, a great American enterprise like that represented in Paris by General Frémont—the Southern Pacific "Transcontinental" railway. Mr. Assistant Secretary Davis, appreciating the rather anomalous condition of things respecting this matter, asked me if it would not be as well to give me authentic copies of the documents referred to. I am sure the president of the Memphis, El Paso and Pacific Railroad Company, and General Frémont, would greatly prefer, under the circumstances, that explicit instructions should be given to Mr. Washburne to give copies of these documents to General Frémont, or his agent in Paris. However, whichever course it shall please you to pursue will be satisfactory, I have no doubt, to all interested parties.

With great respect, your obedient servant,

D. W. C. CLARKE.

The SECRETARY OF STATE.

P. S.—May I ask you to notify me of your decision?

No. 8.

Mr. Fish to Mr. Washburne.

No. 74.]

DEPARTMENT OF STATE,
Washington, December 10, 1869.

SIR: I inclose herewith, for your information, a translation of a communication of the 22d ultimo, which Captain A. Sabiani, of the French army, has addressed to the department upon the subject of his application to you for information relating to the Memphis and El Paso Railroad Company, and a copy of the reply of this department.

I am, sir, your obedient servant,

HAMILTON FISH.

E. B. WASHBURNE, Esq., &c., &c., &c.

[Inclosure No. 1.]

Captain Sabiani to Mr. Fish.

ROUEN, November 22, 1869.

Mr. MINISTER: I addressed the letter, a copy of which I have the honor herewith to remit to your excellency, to Mr. Washburne, United States minister at Paris, on the 6th of November last.

I have in my possession the official declaration of the postal authorities, showing that this letter has been delivered at the American embassy, and that a receipt therefor has been given.

Up to this date, November 20, after having waited fifteen days, I have received no reply. This silence naturally causes me the more astonishment, as I have seen in the newspapers the letter written on the 7th of October last, to General Clarke, by Mr. Davis, Assistant Secretary of State.

This letter states that Mr. Washburne has offered to place all information relating to the Memphis and El Paso railroad at the disposal of the parties interested, and that you have approved of this determination.

Under these circumstances, I wish to ask of your kindness, Mr. Minister, the reply which I have been unable to obtain from Mr. Washburne. Many French bondholders are, like myself, in the greatest perplexity, especially on account of the letter which is attributed to your colleague, his excellency the Minister of the Interior, which letter would deny the existence of the Memphis and El Paso company, and of the land grants made to the same.

This letter, furnished by Mr. Washburne to the journalists who attack the company, is the cause of all the aspersions of which the company is the object. Your excellency will understand that it is essential for all French bondholders to know the truth regarding this matter.

Is Mr. Washburne right in bringing discredit upon the company and its officers, as he has hitherto done?

Or is the Memphis and El Paso Railroad Company the object of slanders, and has it the right to protest, as it does, against the maneuvers which are made to its detriment?

I am, Mr. Minister, your excellency's very humble and very obedient servant,

A. SABIANI,

Captain in the Ninety-fourth Infantry Regiment at Rouen, (Seine Inferieure.)

His Excellency Mr. HAMILTON FISH,

Minister of Foreign Affairs, Washington.

[Inclosure No. 2.]

Captain Sabiani to Mr. Washburne.

PARIS, November 6, 1869.

MR. MINISTER: I yesterday had the honor to be received by your excellency, and to hear from your lips a few words in relation to the Memphis, El Paso and Pacific company, known in France by the name of Transcontinental.

While expressing my gratitude for your excellency's kind reception of me, I regret to say that I came away but little enlightened; and I should be very glad if it were possible for me to become more so. Being the father of a family, having invested my whole fortune in Memphis and El Paso bonds, I am deeply interested in knowing the exact truth.

Not wishing, however, to abuse your kindness, I merely desire to ask of your excellency a simple reply—yes, or no—and in English, to the following questions:

First. Is it true, as stated, that the Assistant Secretary of State of the Interior of the United States has officially declared that the Memphis and El Paso company did not exist, or was not known to him?

Second. Is it true that this declaration, addressed to you, has been communicated by you to Mr. Malespine, who repeats it everywhere?

Third. Is it true that the Memphis and El Paso company has neither a legal existence nor any land-grants in Texas?

Fourth. The Transcontinental Company is said to be composed by the union of the following lines, all of which have received grants in due form:

1. Norfolk and Great Western.
2. Memphis and Little Rock.
3. Memphis, El Paso and Pacific.
4. Arizona.
5. San Diego and Gila.

Is it true?

Fifth. Is it true that the grants made to these different lines by each State have no need of the ratification of Congress in order to become valid; and that that of Arizona Territory, the only one needing this, has been ratified by Congress?

Sixth. Is it also true that the land-grants made by the State of Texas to the Memphis and El Paso company are valid?

Seventh. Have American railroad companies a legal right to mortgage the lands granted by the States, when a final title to these lands is only to be acquired as the road is finished?

Eighth. Is it true that the House of Representatives of the United States has this

year granted, by a considerable majority, the right of way to the Memphis and El Paso company?

Ninth. Is it true that the recent conventions of the Memphis and El Paso and Louisville companies formally resolved to indorse the road of the 32d parallel, otherwise called the Transcontinental Memphis and El Paso road of General Frémont?

Tenth. Is it true that Mr. Curtin, minister of the United States at St. Petersburg, and Mr. Pollock, formerly governor of Pennsylvania, are among the trustees of the Memphis and El Paso bonds?

Eleventh. Is General Frémont, president of the executive committee of the Memphis and El Paso company, the same General Frémont who was senator from California, and candidate for President of the United States?

Twelfth. Is General Frémont a man of standing, and generally respected in the United States?

Thirteenth. Sundry American journals assert that you have lately received from the government of the United States documents relating to the Memphis and El Paso company, and that you have promised Mr. Fish to show them to all those interested in seeing them. Is this true?

I myself, and several bondholders, expect from your impartiality a short and categorical reply to each of the above questions. The high position of your excellency will enable you to give us definite information on these various subjects, the importance of which, for French citizens who are entirely unacquainted with affairs in your country, you will readily understand.

I am, with profound respect, Mr. Minister, your excellency's very humble and very obedient servant,

A. SABIANI,
*Captain in the Ninety-fourth Regiment of Infantry,
Rouen, No. 5 Quai Napoleon.*

His Excellency Mr. HAMILTON FISH,
Minister of Foreign Affairs, Washington.

No. 9.

Mr. Fish to Captain Sabiani.

DEPARTMENT OF STATE,
Washington, December 9, 1869.

SIR: I have received the letter dated the 22d November, which you did me the honor to address to me, relative to an alleged neglect by the minister of the United States at Paris to reply to a letter from you to him, concerning the Memphis and El Paso Railroad Company, of which you inclose a copy.

In reply, I have to state that this department does not feel itself called upon to interfere with Mr. Washburne's judgment as to his duty in the premises.

So far as any information upon this subject has been transmitted to the legation at Paris through this department, Mr. Washburne has its sanction and approval, in placing it at the disposition of any and all persons interested, and he has been so informed by the department.

I am, sir, your obedient servant,

HAMILTON FISH.

Captain A. SABIANI,
Ninety-fourth Regiment of Infantry, Rouen, France.

No. 10.

Mr. Washburne to Mr. Fish.

No. 128.]

LEGATION OF THE UNITED STATES,
Paris, December 24, 1869.

SIR: I have the honor to acknowledge the receipt of your dispatch No. 74, under date of the 10th instant, inclosing a translation of a letter

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addressed to you by one Captain A. Sabiani, of the French army, on the subject of his application to me for information relative to the Memphis and El Paso Railroad Company, and also your reply thereto.

It is perhaps proper that I should say a word in regard to this matter. This gentleman called on me for information in regard to the so-called Transcontinental railroad bonds, saying that he had invested some 80,000 francs in their purchase, and that he felt a good deal of uneasiness in relation to his investment. He had, therefore, come to the legation to seek information. I received him courteously and explained to him fully, as I have explained to all others, that from the time of my arrival at Paris, a great many inquiries were made of me on that subject; that while I had my own opinions, I preferred seeking official information from my government. I had, therefore, written and obtained such information, which had always been at the disposition of the public; not only that, but other information sent at the request of the company, had always been equally at the disposition of the public. That if he were uneasy in regard to his investment, he had better seek the parties in Paris who had put the loan on the market, but I declined to give him any advice whatever as to what he should do with his bonds, though he pressed me very hard to tell him what I thought he had better do with them.

A few days afterward I received the letter, a copy of which he seems to have sent to you. On reading the letter, I was convinced from its tone and spirit that it was not addressed to me for the purpose of obtaining information in good faith. On the other hand, I was satisfied that it was concocted by parties who had confederated together to impose the Transcontinental bonds on the French public, in order to draw me into a correspondence for the purpose of abusing me, as they had already done in a pamphlet which they have issued in this city. Under such circumstances, I declined answering the communication of Captain Sabiani. I am confirmed in the impressions I had in regard to this communication, from the complaint he has addressed to you, and which was evidently inspired from the same source.

I thank you for transmitting to me a translation of his letter to you, together with your reply thereto.

I have the honor to be, very respectfully, your obedient servant,
E. B. WASHBURNE.

Hon. HAMILTON FISH,
Secretary of State.

No. 11.

Mr. Fish to Mr. Washburne.

No. 93.]

DEPARTMENT OF STATE,
Washington, January 7, 1870.

SIR: Referring to your No. 128 of the 24th ultimo, in relation to the complaint of Captain Sabiani, in connection with the Transcontinental Memphis Pacific railroad, I have to inform you in reply that your proceedings as therein explained are approved.

I am, sir, your obedient servant,

HAMILTON FISH.

E. B. WASHBURNE, Esq., &c., &c., &c.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 9, 1870.

SIR: I have received, by your reference, the resolution adopted by the Senate of the United States on the 4th instant, requesting the President of the United States to communicate to that body, if not incompatible with the public interest, certain correspondence "in regard to the so-called Transcontinental Memphis, El Paso and Pacific Railroad Company."

I have the honor to transmit the accompanying copy of two letters, bearing date, respectively, June 19 and August 3, 1869, from this department to the Secretary of State. They embrace the entire correspondence of this department on the subject mentioned in the resolution.

I am, sir, very respectfully, your obedient servant,
 J. D. COX, *Secretary.*

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., August 3, 1869.

SIR: This department, on the 19th of June last, answered your communication relative to a railway company mentioned in a dispatch which you had received from the Hon. E. B. Washburne, minister of the United States to France.

I have just received the accompanying letter and papers from B. H. Epperson, esq., president of the Memphis, El Paso and Pacific Railroad Company. I transmit also a copy of a letter from Hon. R. C. McCormick, a delegate in Congress from the Territory of Arizona.

This company was not organized under an act of Congress, nor has it received any grant from the government of the United States. The records of this department are, consequently, silent respecting it, and I regard Mr. Epperson's letter simply as a statement furnished by the president of the company touching its charter, condition, and prospects. He desires that his letter, and the papers herewith sent, all of which refer to the same subject, should be forwarded to our legation at Paris, for the information of Mr. Washburne.

I am, sir, very respectfully, your obedient servant,
 J. D. COX, *Secretary.*

Hon. the SECRETARY OF STATE.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 19, 1869.

SIR: I have the honor to acknowledge the receipt of your communication of the 17th instant, transmitting a letter and accompanying papers received by the Department of State from Mr. Washburne, minister of the United States to France, in relation to the "Transcontinental Memphis Pacific Railway Company."

You suggest the propriety of an investigation by the Interior Department of the matters referred to by Mr. Washburne.

No company of that name or by the name of the "Transcontinental Memphis, El Paso and Pacific Railroad Company" has been organized under authority of an act of Congress.

I respectfully refer you to an act of Congress approved July 28, 1868, (Stat., vol. 14, p. 338,) reviving and extending the provisions of an act

entitled "An act granting the right of way and making a grant of land to the States of Arkansas and Missouri, to aid in the construction of a railroad from a point upon the Mississippi, opposite the mouth of the Ohio River, via Little Rock, to the Texas boundary near Fulton, in Arkansas, with branches to Fort Smith and the Mississippi River, approved February 9, 1853."

The board of directors of the company mentioned in the proviso to the third section of the act, and who are engaged in the construction of the Memphis and Little Rock branch, have been reorganized, and the required certificate has been filed in this department. It forms a connection with the Cairo and Fulton railroad, and when these roads are completed, will form a continuous line, commencing at a point opposite Memphis and extending through Little Rock to the southwestern corner of the State of Arkansas. To that extent, this line conforms substantially to that delineated upon the map transmitted by Mr. Washburne. I am unable to state whether a company was organized by the State of Texas to extend the road through that State.

I believe that a project was formed to construct a railroad through Arkansas and Texas to the Rio Grande, opposite El Paso, and from thence to the Pacific coast through the southern portions of New Mexico, Arizona, and California. The records of this department, however, furnish no evidence on the subject. The United States have granted no subsidies, either in land or money, to aid the construction of that railroad; nor have they in any instance guaranteed the payment of interest on bonds or debentures issued by any railroad company.

The papers are herewith returned.

I am, sir, very respectfully, your obedient servant,

W. T. OTTO,
Acting Secretary.

Hon. HAMILTON FISH,
Secretary of State.

LETTER
OF
THE SECRETARY OF THE TREASURY

ASKING

The immediate appropriation of \$150,000, to meet the current expenses of the Marine Hospital establishment; also, the sum of \$80,000, to place the hospitals in order.

MARCH 10, 1870.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT, March 10, 1870.

SIR: I have the honor to state that the Marine Hospital fund is exhausted, and it is therefore necessary that the amount specified in report transmitted to Congress at opening of the session as requisite to provide for deficiency of the present fiscal year, namely, \$150,000, be appropriated immediately, to meet the current expenditures of the establishment.

The amount of \$80,000 also being required to place the hospitals in order, as stated by me in a recent communication to Congress, I would earnestly recommend that this amount be added to the first mentioned sum, making the entire appropriation, now required to meet pressing wants, the sum of two hundred and thirty thousand dollars, (\$230,000.)

I am, very respectfully,

GEO. S. BOUTWELL,
Secretary of the Treasury.

Hon. SCHUYLER COLFAX,
Vice-President and President of the Senate, U. S.

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LETTER
OF
THE SECRETARY OF THE TREASURY
COMMUNICATING,

In compliance with a resolution of the Senate of the 8th instant, information respecting the title of the United States to the branch mint property in the city of New Orleans, Louisiana.

MARCH 14, 1870.—Referred to the Committee on Finance and ordered to be printed.

TREASURY DEPARTMENT,
March 11, 1870.

SIR: In response to the resolution of the Senate, of the 8th instant, calling for certain information respecting the title of the United States to the branch mint property in the city of New Orleans, Louisiana, I have the honor to transmit herewith a report of the Supervising Architect of this department, containing the information required.

Very respectfully,

GEO. S. BOUTWELL,
Secretary of the Treasury.

Hon. SCHUYLER COLFAX,
President of the Senate.

TREASURY DEPARTMENT,
OFFICE OF SUPERVISING ARCHITECT,
March 11, 1870.

SIR: In accordance with your instructions I have prepared and have the honor to submit the following report, which comprises all the information required by the Senate resolution of inquiry of the 8th instant, respecting the title of the United States to the branch mint property in the city of New Orleans, Louisiana.

In pursuance of a resolution of the city council of the city of New Orleans, approved May 11, 1835, the mayor of said city did, on the 19th of June, 1835, execute with Martin Gordon, esq., a commissioner of the United States, thereunto duly authorized, a notarial act, conveying to the United States the use and occupation of the square of ground, inclosed and known as Jackson square, situate in said city, and bounded as follows, to wit, by Esplanade street, Barracks street, Levee street, and the Public Road, for the express and only purpose of erecting thereon a branch mint of the United States, together with the necessary appendages.

It is provided in said act, "that should it hereafter be deemed

necessary by the government of the United States to remove the mint contemplated to be established as aforesaid, or to cease to occupy it for such purposes, then the said act to be null and void."

The foregoing facts have been elicited from certified copies of the resolution cited, and of the notarial act executed thereunder, now on file in this office.

Respectfully submitted.

A. B. MULLETT,
Supervising Architect.

Hon. GEO. S. BOUTWELL,
Secretary of the Treasury.

LETTER
OF
THE SECRETARY OF WAR

COMMUNICATING,

In obedience to law, the report of the inspector of the national cemeteries of the United States for 1869.

MARCH 15, 1870.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
March 12, 1870.

The Secretary of War has the honor to submit to the Senate of the United States, in obedience to the requirements of the act of Congress of February 22, 1867, the accompanying report of the inspector of the national cemeteries of the United States for the year 1869.

WM. W. BELKNAP,
Secretary of War.

WASHINGTON, D. C.,
December 31, 1869.

GENERAL: As directed by the special directions, dated "War Department, Adjutant General's Office, July 30, 1868," I respectfully submit the following report of my inspection of the national cemeteries through the United States, as also of such civil cemeteries in which the Union dead of the rebellion were interred, as seemed to call for an examination. A large number of the latter were not visited because they contained but few of our bodies; for the same reason a number of graveyards at military posts were not inspected, as they were under military officers, who would see that, according to recent instructions from the War Department, they would be carefully attended to.

For the better convenience of reference, the report is arranged according to States and Territories, and not according to when the inspections were made.

STATE OF MAINE.

Winthrop Street cemetery.—Inspected September 14, 1865.

This cemetery adjoins the city of Augusta, in Kennebec County, on the northwest, and the government plat is on elevated ground, on the western side of the cemetery, and is a parallelogram fifty-five by thirteen feet. It contains in two parallel rows forty-two bodies, forty-one white, and one colored, all known. Only three graves have headboards, and very few have mounds. The ground is overgrown with high grass, and is not in good order. There are three white soldiers buried in the public ground by the State House, which should be removed; one (1) known,

and two (2) unknown. [These bodies have subsequently been removed as recommended.]

There are two civil cemeteries on the east side, and one on the west side of the Kennebec River at this place, in which Union soldiers are buried. The burials are from the hospital in the city, and from removals from the south by relatives and friends.

The entire number of burials in the State, as far as can be ascertained, exclusive of a number of those in family lots, are as follows:

Places of Interment.	White.			Colored.		Aggregate.
	Soldiers known.	Soldiers unknown.	Total.	Soldiers known.	Total.	
Winthrop Street cemetery, Augusta, Kennebec County	42	2	44	1	1	45
Forest City cemetery, Portland, Cumberland County	19	1	20			20
Near Fort Preble, Cumberland County	4		4			4
Mackay Island, Cumberland County	10		10			10
Portland church-yard, Cumberland County	2		2			2
Eastport, Washington County	7		7			7
Calais, Washington County	17		17			17
Perry, Washington County	7		7			7
Robbinston, Washington County	5		5			5
Wallingford, Washington County	1		1			1
Danville, Androscoggin County	1		1			1
Total	115	3	118	1	1	119

The expenditures to September 14, 1868, amounted to \$275.

STATE OF NEW HAMPSHIRE.

In this State the bodies of the Union soldiers are buried in ten different cemeteries.

Places of interment.	White.			
	Officers known.	Soldiers known.	Soldiers unknown.	Total.
Portsmouth, Rockingham County		24		24
Rye, Rockingham County		3		3
Greenland, Rockingham County		2		2
Goff's Falls cemetery, Hillsboro County		2		2
Merrill cemetery, Manchester, Hillsboro County	1	1		2
Pine Grove, Carroll County		10		10
Piscataqua cemetery, Carroll County		1		1
Stowell's cemetery, Carroll County		2		2
Valley cemetery, Carroll County	4	12		16
Old cemetery at Concord, Merrimac County			10	10
Total	5	57	10	72

The expenditures to September 30, 1868, amounted to \$430.

STATE OF VERMONT.

Cemetery at Brattleboro.—Inspected September 18, 1868.

The plat of ground, fifty-one feet by thirty feet six inches, was purchased on ground adjoining on the south the City cemetery for one hundred dollars. It is outside of the cemetery inclosure.

The tract of land in which the government lot is situated was purchased from an individual who afterward sold the entire tract of land to the Cemetery Association, and received from the association one hundred dollars, and transferred a bill of sale for the ground, so that the government is responsible to that corporation for the purchase money.

It is enclosed with a strong, high paling fence without any gate. The graves are on a slightly elevated spot in two rows of irregular distances. The graves are sodded and have unpainted headboards which are badly lettered. The interments were made from the hospital in the city. They number nineteen, (19,) all known except one, (1.) When the City cemetery incloses their additional ground it is recommended that the inclosure be removed, as it is not at all ornamental, and will then be unnecessary. The entire number of burials in this State is as follows :

Places of interment.	White.		
	Soldiers known.	Soldiers unknown.	Aggregate.
Brattleboro cemetery, Windham County.....	18	1	19
Catholic cemetery, Brattleboro County.....	2	.....	2
Montpelier, Washington County.....	2	.....	2
Burlington, Chittenden County.....	2	.....	2
Total	24	1	25

The expenditures to September 14, 1868, amounted to \$120.

STATE OF MASSACHUSETTS.

In this State the bodies of Union soldiers are buried in fourteen cemeteries, as follows :

Places of interment.	White.			Colored soldiers known.	Aggregate
	Known.		Total.		
	Officers.	Soldiers.			
Hope cemetery, Worcester, Worcester County.....	1	19	20	.....	20
Rural cemetery, Worcester County.....	6	16	22	.....	22
St. John's cemetery, Worcester County.....	2	17	19	.....	19
Pine cemetery, Worcester County.....	.....	1	1	.....	1
Dedham cemetery, Norfolk County.....	2	27	29	40	69
Cambridge cemetery, Middlesex County.....	.....	19	19	.....	19
Catholic cemetery, Middlesex County.....	.....	1	1	.....	1
Garden cemetery, Chelsea, Suffolk County.....	2	16	18	.....	18
Woodlawn cemetery, Suffolk County.....	.....	1	1	.....	1
Galloup's Island, Boston Harbor.....	.....	12	12	1	13
Long Island, Boston Harbor.....	.....	2	2	.....	2
Holyhood cemetery, Brookline, Norfolk County.....	.....	4	4	.....	4
Mount Hope cemetery, West Roxbury County.....	.....	4	4	.....	4
Readville.....	.....	1	1	.....	1
Total.....	13	138	151	41	194

The citizens of Chelsea have erected a very handsome monument in the Garden cemetery in honor of the Union dead.

The expenditures to September 14, 1868, amounted to \$430.

STATE OF RHODE ISLAND.

The bodies buried from the hospital at Providence, near that city, have been removed to Cypress Hill cemetery, on Long Island, New York.

STATE OF CONNECTICUT.

In this State, the bodies of Union soldiers are buried in two cemeteries, as follows :

Places of interment.	White soldiers, known.	Colored soldiers, known.	Aggregate.
Evergreen cemetery, New Haven, New Haven County.....	232	2	234
Hartford cemetery, Hartford County.....	2		2
Total.....	234	2	236

The expenditures to September 30, 1868, amounted to \$600.

STATE OF NEW YORK.

In this State, the Union dead are buried in civil cemeteries and at military posts, nineteen places in all. In reality, there is no national cemetery in the State, but the burial place in the Cypress Hill cemetery, on Long Island, is so regarded.

Cypress Hill cemetery.—Inspected September 19, 1868.

This is an incorporated cemetery, situated on Long Island, in Kings County, about seven miles from the city of New York. Originally, four hundred and twenty-one lots, in section eighteen, were set aside by the Cemetery Association, for the Union dead, but only about one hundred and forty-six have been used for burial purposes ; four for the lodge, and four for the circle, on which a flag-staff has been erected. These one hundred and fifty-four lots will be now all the ground needed, as no more additional interments will be made. They are situated in the north end of the cemetery, on both sides of Cypress avenue. The ground has a good slope to the north, affording perfect drainage into a ravine. The graves are arranged on both sides of the avenue, in circles. There is no inclosure to the ground, nor is one needed, but it would greatly add to the beauty of it if a hedge of *arbor-vitæ*, which can readily be obtained, should be placed. A neat lodge has been erected. The graves are well sodded and properly cared for. The walks are not graveled. About seventy marble headstones have been put up by relatives of the deceased ; the other graves have headboards, except those of the two hundred and ninety-eight bodies removed from the State of Rhode

Island. The ground is beautified with shrubbery and a number of trees. Grass seed should be sown on the circle.

The interments number three thousand one hundred and sixty-nine, (3,169,) of which number four (4) officers, two thousand eight hundred and eighty-six (2,886) white soldiers, and one hundred and ninety-nine (199) colored soldiers, five (5) employés and three (3) citizens are known, and sixty-nine (69) white soldiers and three (3) colored soldiers are unknown.

There are also in the cemetery the bodies of four hundred and sixty-one (461) rebel prisoners of war. The burials were made from general hospitals and from removals from Hartz and David's Islands on Long Island Sound, and from near Providence, in the State of Rhode Island.

The expenditures amount to \$8,933 39. John Bryson, a discharged private of Company K, 44th Regiment of Infantry, is the superintendent, whose appointment is dated August 6, 1867. He has the grounds in good order.

I understood that an effort would probably be made by the authorities of the cemetery to induce the government to purchase additional ground, at a cost of twenty thousand dollars, and that Congress might be asked to appropriate that sum for the object. There is no necessity for any such expenditure.

Albany Rural cemetery.—Inspected September 12, 1868.

This is an incorporated cemetery four and a half miles north of the city of Albany, in Albany County, on the Albany and Troy turnpike. The ground was given to the United States by the Cemetery Association, who pay all the expenses for keeping it in order. The plat of ground is in the form of a semicircle surrounded by an avenue. The graves are in parallel lines, all neatly sodded, except fourteen recent burials. Thirteen have headstones, the others are without headboards. The authorities are very desirous of having a flag-staff erected, and a flag furnished, and this might well be accorded. There is ample space for a mound on the lower part of the plat on which the flag-staff could be erected. This is one of the four cemeteries where I find soldiers names entered separately on the general register of burials.

The interments number one hundred and twenty-six, (126,) two (2) of whom are sailors, all known. The deaths were principally from hospitals in Albany. Some few bodies were brought from the South. A military superintendent is unnecessary.

Woodlan cemetery.—Inspected September 11, 1868.

This is an incorporated cemetery, one and three-fourths of a mile from the city of Elmira, in Chemung County. The Union dead are buried in six parallel rows on ground belonging to the city. The graves all have headboards, but they are badly sodded. The interments number one hundred and nineteen (119) all known. The burials are mostly from the general hospital in the city. There are thirty-seven bodies yet to be removed. There are also buried in the cemetery two thousand nine hundred and eighty-two (2,982) rebel prisoners of war, in forty rows of graves. All the graves are sodded, and all have headboards. The graves are well taken care of.

The expenditures amount to \$11,716 25. The entire number of burials in the State are as follows:

Places of interment.	White.							Colored.			Number of bodies to be removed.	Aggregate.
	Known.					Soldiers, unknown.	Total.	Soldiers, known.	Soldiers, unknown.	Total.		
	Officers.	Soldiers.	Sailors.	Employés.	Citizens.							
Cypress Hill cemetery, Kings County.....	4	2,886	.....	5	3	69	2,967	199	3	202	.....	3,169
Rural cemetery near Albany, Albany County.		124	2	.....	.....	.....	126	.....	.....	.....	.....	126
Woodlan cemetery, Elmira, Chemung County.		119	.....	.....	.....	.....	119	.....	.....	.....	37	156
Beachwood cemetery at New Rochelle, Westchester County.		30	.....	.....	.....	3	33	.....	.....	.....	.....	33
Oakwood cemetery, near Lansingburg, Rensselaer County.		19	.....	.....	.....	.....	19	.....	.....	.....	.....	19
Mount Hope cemetery, Rochester, Monroe County.		14	.....	.....	.....	.....	14	.....	.....	.....	.....	14
Forest Lawn cemetery, Buffalo, Erie County.		26	.....	.....	.....	.....	26	.....	.....	.....	.....	26
Limestone Hill cemetery, Buffalo, Erie County.		10	.....	.....	.....	.....	10	.....	.....	.....	.....	10
Pine Hill cemetery, Buffalo, Erie County.		12	.....	.....	.....	.....	12	.....	.....	.....	.....	12
Cold Spring cemetery, Lockport, Niagara County.		9	.....	.....	.....	.....	9	.....	.....	.....	.....	9
Fort Columbus, near York County.....		135	.....	.....	.....	.....	135	.....	.....	.....	.....	135
Fort Hamilton, Kings County.....		37	.....	.....	.....	98	135	.....	.....	.....	.....	135
Fort Wadsworth.....		2	.....	.....	.....	.....	2	.....	.....	.....	.....	2
Fort Scuyler, Westchester County.....		1	.....	.....	.....	2	3	.....	.....	.....	.....	3
Willet's Point, Queens County.....		3	.....	.....	.....	4	7	.....	.....	.....	.....	7
David's Island, Westchester County.....		29	.....	.....	.....	.....	29	.....	.....	.....	.....	29
Lodi cemetery, Seneca County.....		5	.....	.....	.....	.....	5	.....	.....	.....	.....	5
Cherry Creek cemetery, Chatauqua County.		10	.....	.....	.....	.....	10	.....	.....	.....	.....	10
Plattsburg barracks, Clinton County.....		100	.....	.....	.....	.....	100	.....	.....	.....	.....	100
Fort Ontario, Wayne County.....		26	.....	.....	.....	.....	26	.....	.....	.....	.....	26
Madison barracks, Jefferson County.....		558	.....	.....	.....	19	577	.....	.....	.....	.....	577
Fort Niagara, Niagara County.....		24	.....	.....	.....	.....	24	.....	.....	.....	.....	24
Fort Porter, Erie County.....		7	.....	.....	.....	.....	7	.....	.....	.....	.....	7
Total.....	4	4,186	2	5	3	195	4,395	199	3	202	37	4,634

The expenditures, not including Cypress Hill and Woodlan cemeteries, amount to \$1,050.

STATE OF NEW JERSEY.

Beverly cemetery.—Not inspected.

This cemetery is situated on the Bridgeboro road, Beverly Township, in Burlington County. It contains one acre of ground, which was purchased from Mr. Joseph Wayman for one dollar, or rather the ground was presented to the government by him. It is inclosed with a wooden picket fence. The graves are all sodded, and have headboards. The walks are graveled and the drainage good. The interments number one hundred and forty-seven, (147,) of which number one hundred and thirty-eight (138) white soldiers and two (2) colored soldiers are known, and seven (7) white soldiers are unknown. The interments were made from the general hospital. The expenditures amount to \$1,970.

The expenditures were made by Brevet Major General G. H. Crosman, United States Army, Brevet Colonels F. J. Crilly, and H. W. James,

assistant quartermasters, and other officers of the Quartermaster's Department.

Finn's Point cemetery.—Inspected September 24, 1868.

This cemetery is situated on the margin of the Delaware River, nearly opposite to Fort Delaware, on Pea Patch Island, in Salem County, and was designed for the interment of the dead at that post, as they could not be buried on the island in consequence of the water, with every high tide, coming near the surface of the ground. In winter, when access to the shore is stopped by floating ice, the bodies will have to be buried on the island above ground, or nearly so. The plat contains one and eighty hundredths acres, and is inclosed with a low paling fence, which requires whitewashing. In high winds the sand drifts and covers the graves. The graves of the Union soldiers have headboards but are not sodded. The ground was overgrown with weeds and grass, and seemed totally neglected. The commanding officer of Fort Delaware, who accompanied me on my inspection, promised to put the cemetery in good order. The interments number ten (10) all white soldiers, all known; burials from Fort Delaware. There are fourteen hundred and thirty-four (1,434) rebel prisoners of war buried in the cemetery. As the ground must continue to be the burial place of the garrison at Fort Delaware, it is recommended that it be properly laid out and put in good order; and that a paling fence, with a neat gate, be erected.

The cost of the cemetery has not been reported. The expenditures were made by Brevet Major General G. H. Crosman, United States Army, Brevet Lieutenant Colonels F. J. Crilly and H. W. Lanes, assistant quartermasters, and other officers in the Quartermaster's Department.

Fairmount cemetery.—Not inspected.

This is an incorporated cemetery at Newark, in Essex County. The interments number one hundred and twenty-nine (129) white soldiers; all known. The burials were from the general hospital at the place.

The cost of the cemetery has not been reported.

Sandy Hook.—Not inspected.

The interments number seven (7,) of which number five (5) white soldiers are known, and two (2) white soldiers are unknown. The burials were from the fort at Sandy Hook, in Monmouth County.

Recapitulation of interments in New Jersey.

Cemeteries.	White.		Total.	Colored.	Aggregate.
	Soldiers known.	Soldiers unknown.		Soldiers known.	
Beverly	138	7	145	2	147
Finn's Point.....	10	.....	10	.....	10
Fairmount.....	129	.....	129	.....	129
Sandy Hook.....	5	2	7	.....	7
Total.....	282	9	291	2	293

STATE OF PENNSYLVANIA.

The Union dead in this State are buried in the cemetery at Gettysburg, two small government inclosures at Whitehall and Lackawaxen, and forty-three civil cemeteries.

Gettysburg cemetery.—Inspected October 2, 1868.

This cemetery was incorporated by an act of the general assembly of the Commonwealth of Pennsylvania, approved March 25, 1864, and was designed especially for the soldiers of the Union army who fell in the battle of Gettysburg, July 1, 2, and 3, 1863.

The plat of ground on the north adjoins the civil cemetery, south of and near the city of Gettysburg. This portion of ground formed the center and key of the position held by the army commanded by Major General George G. Meade, on the memorable days of July 2 and 3. It has a gentle slope toward the north, affording good drainage. The ground was purchased by the State of Pennsylvania, at a cost of two thousand four hundred and seventy-five dollars and eighty-seven cents, (\$2,475 87,) and contains about seventeen acres.

The ground has a narrow front on the turnpike leading to Baltimore, which is a prolongation of one of the main streets of Gettysburg. On this line of the inclosure is a most substantial iron railing, with a handsome entrance gate of the same material, on the two main pillars on which are inscribed the names of the States whose dead repose in the cemetery. From the gateway the ground sweeps round by a graceful curve, to the road leading to Tarrytown, and thence along the road to the southern extremity. On this line, and by the short line to connect it with the city cemetery, the inclosure is a most substantial wall of granite, with heavy coping stone. The line between the two cemeteries is protected by an iron rod fence. Within the gateway is the lodge, built of stone, which, since the former inspection, has been enlarged and greatly improved.

A flag-staff has not yet been erected. The ground is very tastefully laid out, having appropriate drives and avenues, and is extensively ornamented with trees and shrubbery. In the center of the plat, toward the eastern fence, a large circle has been made, on which it is designed to erect a handsome monument in honor of the dead, and commemorative of the great victory. [It was dedicated July 1, 1869.]

Around this circle the ground for interment is laid off in semicircles, divided into burial lots of suitable size, for the dead of the several States, by three main avenues starting from the circle, and several smaller ones. There are twenty-two of such divisions—eighteen for States, one for United States regulars, and three for the unknown dead. In the divisions the coffins are placed in parallel rows, side by side, with a continuous raised granite curb at the head of each row, on which are inscribed the number of the grave and the name and company of the soldier. The graves are slightly raised and sodded. The walks are also sodded.

The interments number three thousand five hundred and sixty-four, (3,564,) and are classed in the register as follows :

States, &c.	Total.	Known.	Unknown.	States, &c.	Total.	Known.	Unknown.
Maine	104	87	17	West Virginia.. ..	11	11	.....
New Hampshire	49	22	27	Ohio	131	127	4
Vermont	61	43	18	Indiana	80	62	18
Massachusetts	159	157	2	Illinois	6	5	1
Rhode Island	12	12	.....	Michigan	171	168	3
Connecticut	22	22	.....	Wisconsin	73	53	20
New York	867	597	270	Minnesota	52	32	20
New Jersey	78	43	35	United States regulars	138	102	36
Pennsylvania	534	357	177	Unknown	411	.....	411
Delaware	15	15	.....	Unknown	425	.....	425
Maryland	22	16	6	Unknown	143	.....	143
				Total	3, 564	1, 931	1, 633

The original estimate made by the commissioners, including twenty-five thousand dollars for a monument, was sixty-three thousand five hundred dollars, and assessments were made on the several States according to the number of their dead. The amount realized has proven to be more than sufficient, and, after the entire completion of the cemetery, there will remain a balance of funds in the hands of the commissioners. Whatever may be this amount, it is suggested that it be invested, and the interest expended in keeping the cemetery in order.

The commissioners, who some time since adopted initial proceedings with a view to the transfer of the cemetery to the general government, will no doubt recommend the measure, after its completion, to the States which have contributed funds, and it is supposed they will give their consent.

The number of burials in seven incorporated cemeteries near the city of Philadelphia has caused the department to appoint a superintendent to have them in charge, and the several plats containing the bodies, taken together, are regarded as a national cemetery.

Jacob M. Berringer, a discharged sergeant of Company B, Forty-third Regiment of Infantry, is the superintendent, who has his residence in Philadelphia. He accompanied me on my inspection of five cemeteries under his charge, and certainly takes much interest in the discharge of his duty.

Glenwood City cemetery.—Inspected September 23, 1868.

This is an incorporated cemetery, situated about three and a half miles northwest from the city of Philadelphia, in Philadelphia County. The Union dead are buried in two long rectangular plats, containing one third of an acre, which has not yet been purchased.

The graves are all sodded, and in good order.

The old headboards are still standing, much weather-beaten, and the marks by stencil nearly all obliterated. There are a few headstones erected by relations of the deceased. The interments number six hundred and ninety-three, (693,) of which number, four (4) officers and six hundred and seventy-eight (678) soldiers are known, and (11) soldiers unknown. There are also nine (9) rebel soldiers, all known, buried in this cemetery. The burials are from the general hospitals in the city of Philadelphia.

The expenditures amount to \$4,526 50. The expenditures were made by Brevet Major General G. H. Crosman, United States Army, Brevet Colonel F. G. Crilly, and Brevet Lieutenant Colonel H. W. Janes, assistant quartermaster, and other officers.

Odd Fellows' cemetery.—Inspected September 23, 1868.

This incorporated cemetery adjoins Glenwood on the east. There are three rows of graves extending along the front iron railing to near the main gateway, and a fourth long row, perpendicular to the front railing, against the division fence. The graves are all sodded and in good order. Nearly all have new headboards painted white and lettered black. The others will soon be supplied from boards on hand in the Quartermaster's Department. The interments number two hundred and sixty-three, (263,) of which number two hundred and forty-five (245) white soldiers and one (1) colored soldier are known, and seventeen (17) white soldiers unknown. There are also fourteen (14) rebel soldiers, all known, buried in this cemetery. The burials are from the general hospitals in the city of Philadelphia.

The ground which has been donated to the United States by the cemetery company contains one-fifth of an acre.

The expenditures amount to \$1,600. The expenditures were made by Brevet Major General G. H. Crosman, United States Army, Brevet Colonel F. J. Crilly, and Brevet Lieutenant Colonel H. W. Janes, assistant quartermaster, and other officers.

United American Mechanics' Association cemetery.—Inspected September 23, 1868.

This incorporated cemetery adjoins Odd Fellows' on the east. The interments number eleven, (11,) all known; and the graves are in good order. As in other civil cemeteries, there are a number of interments in private lots. In this one, there are supposed to be fifty, but they cannot be ascertained from the register, without their names are given, which it is impossible for an inspector to do.

Mount Moriah.—Inspected September 25, 1868.

This is an incorporated cemetery situated on Stump lane, near Darby plank-road, West Philadelphia, and four miles from the city.

The graves are in two separate lots. In the larger one the graves are all sodded, and the grass well trimmed. The headboards are old and weather-stained. The names are nearly obliterated. To seven of the graves there are marble slabs. The plot contains few evergreens. In a private lot, over the grave of a soldier, there floats a little flag with the name of Joseph Chester inscribed on it.

A smaller lot, called the Cooper-shop inclosure, containing thirty-one graves, is inclosed with a heavy emblematic iron railing, with a beautiful gate. The graves are all sodded and kept in fine order. There are no headboards. The interments number four hundred and twenty-six, (426,) all known.

There are six rebel soldiers buried in this cemetery. The bodies were removed from the Free Friends' and Methodist Episcopal cemeteries, distant four and a half miles. The original burials were from the general hospitals in the city of Philadelphia.

The expenditures amount to \$2,522.

The expenditures were made by Brevet Major General G. H. Crosman, United States Army, Brevet Lieutenant Colonel F. J. Crilly, and Brevet Lieutenant Colonel H. W. Janes, assistant quartermaster, and other officers.

Woodland cemetery.—Inspected September 25, 1868.

This is an incorporated cemetery, situated one mile from the Market-street bridge, over the Schuylkill River, on the Darby plank-road and Fortieth street, West Philadelphia. The government plot is a square, containing one-twentieth of an acre, well located, with a gentle slope to the south. The graves are all mounded and sodded, and in good order. All have headboards, which are old and not painted. The interments number one hundred and eighteen, (118,) of which number one hundred and twelve (112) are known and six (6) unknown. The burials are from the general hospitals in the city of Philadelphia. The ground has not as yet been purchased from the cemetery company.

The expenditures amount to \$702.

The expenditures were made by Brevet Major General G. H. Crosman, United States Army, Brevet Colonel F. J. Crilly, and Brevet Lieutenant Colonel H. W. Janes, assistant quartermaster, and other officers.

Lebanon cemetery.—Not inspected.

This is an incorporated cemetery, situated on the Passyunk road, near Penrose Ferry road, Philadelphia. The government plot contains one-fifth of an acre. The graves are all sodded, and all have headboards. The interments number three hundred and thirty-nine, (339,) all colored soldiers, known. The bodies were removed from Glenwood, and Odd Fellows' cemeteries, near Philadelphia, a distance of four miles, where they were originally buried from the general hospitals in the city of Philadelphia. The ground was purchased from Jacob C. White, at a cost of eleven hundred and twenty-five dollars.

The expenditures amount to \$4,636 25. The expenditures were made by Brevet Major General G. H. Crosman, United States Army, Brevet Colonel F. J. Crilly, and Brevet Lieutenant Colonel H. W. Janes, assistant quartermaster, and other officers.

Lafayette cemetery, near Philadelphia,

Making the seventh in what is regarded the national cemetery, was not inspected. It contains twenty-eight (28) bodies, of which number eight (8) are known, and twenty (20) unknown. The burials were from the general hospitals in the city of Philadelphia.

Rural cemetery.—Inspected September 25, 1868.

This is an incorporated cemetery, situated one mile southwest of the city of Chester, in Delaware County. The government plot is on the west side, midway of the cemetery, twenty feet from the fence, on a gentle slope to the north, affording good drainage. The graves are all sodded, but the grass requires cutting. There are three willow trees in the plot. The headboards are old, not painted, and are weather-stained. The names on several are obliterated; two of the headboards are gone. There are two marble headstones, and one neat monument of marble, erected to the memory of Private Henry Ludlam. The lot

was donated to the United States by the cemetery association. The interments number fifty-five, (55,) of which number six (6) officers and forty-six (46) soldiers are known, and three (3) soldiers are unknown. In the northwest corner of the cemetery there are one hundred and sixty-nine (169) rebel soldiers buried; the bodies were removed from the Potter's field and Powell's cemetery, Chester, Pennsylvania, distance one and one-half miles.

The expenditures amount to \$1,941 50. The expenditures were made by Brevet Major General G. H. Crosman, United States Army, Brevet Colonel F. J. Crilly, and Brevet Lieutenant Colonel H. W. Janes, assistant quartermaster, and other officers.

Whitehall cemetery.—Not inspected.

This is a small cemetery containing one acre, situated on the China Hall road, township of Bristol, Bucks County. It is inclosed with a wooden paling fence. The graves are all sodded, all have headboards. The walks are graveled, and the drainage good. The interments number sixty-one, (61,) of which number fifty-nine (59) white soldiers and one (1) colored soldier known, and one (1) white soldier is unknown. The burials were made from the general hospital at Bristol. The ground was purchased from George Randall, at a cost of one hundred and fifty dollars.

The expenditures amount to \$1,160. The expenditures were made by Brevet Major General G. H. Crosman, United States Army, Brevet Colonel F. J. Crilly, and Brevet Lieutenant Colonel H. W. Janes, assistant quartermaster, and other officers.

Lackawaxen cemetery.—Not inspected.

This little cemetery in Pike County, containing about one-half of an acre, is owned by the New York and Erie Railroad Company, and was appropriated by this company to bury sixteen (16) Union and forty-eight (48) rebel soldiers, killed in a collision on that road in the year 1864. All the bodies are known.

No expenditures have been reported, and it is supposed that the railroad company paid all expenses of interment.

The entire number of burials in the State are as follows :

Places of Interment.	White.				Colored.		Aggregate.
	Known.		Soldiers unknown.	Total.	Soldiers known.	Total.	
	Officers.	Soldiers.					
Gettysburg, Adams County		1, 931	1, 633	3, 564			3, 564
Glenwood cemetery, Philadelphia County	4	678	11	693			693
Odd Fellows' cemetery, Philadelphia County		245	17	262	1	1	263
United American Mechanics' Association cemetery, Philadelphia County		11		11			11
Mount Moriah cemetery, Philadelphia County		426		426			426
Woodland cemetery, Philadelphia County		112	6	118			118
Lebanon cemetery, Philadelphia County					339	339	339
Lafayette cemetery, Philadelphia County		8	20	28			28
Rural cemetery, Chester, Delaware County	6	46	3	55			55
Saint Muriael's cemetery, Chester, Delaware County		3		3			3

Entire number of burials in the State—Continued.

Places of Interment.	White.				Colored.		Aggregate.
	Known.		Soldiers unknown.	Total.	Soldiers known.	Total.	
	Officers.	Soldiers.					
Whitehall cemetery, Bristol, Bucks County.....		59	1	60	1	1	61
St. James Episcopal cemetery, Bucks County.....		17	1	18			18
Lackawaxen cemetery, Pike County.....		16		16			16
Autenbach's cemetery, Reading, Berks County.....		3		3			3
Charles Evans's cemetery, Berks County.....		7		7			7
Scranton cemetery, Luzerne County.....		6		6			6
Prospect Hill cemetery, York, York County.....		161	2	163			163
Catholic cemetery, York County.....		4		4			4
Odd Fellows' cemetery, Tamaqua, Schuylkill County.....		6		6			6
German Reformed and Lutheran cemetery, Tamaqua, Schuylkill County.....		4		4			4
Catholic cemetery, Tamaqua, Schuylkill County.....		2		2			2
Springfield cemetery, Shippensburg, Cumberland County.....		14		14			14
Lutheran cemetery, Cumberland County.....		3		3			3
Cemetery two miles from Shippensburg, Cumberland County.....		3		3			3
Easton cemetery, Easton, Northampton County.....		27		27			27
Arndt's cemetery, Northampton County.....		6		6			6
Kay's cemetery, Northampton County.....		4		4			4
First Presbyterian cemetery, Northampton County.....		2		2			2
German Reformed cemetery, Northampton County.....		4		4			4
German Catholic cemetery, Northampton County.....		3		3			3
Lutheran cemetery, Hollidaysburg, Blair County.....		11		11			11
Presbyterian cemetery, Hollidaysburg, Blair County.....		9		9			9
Catholic cemetery, Blair County.....		1		1			1
Asbury Chapel cemetery, Blair County.....		1		1			1
Dunkard's cemetery, Blair County.....		1		1			1
Cemetery at Philipsburg, Centre County.....		5		5			5
Harrisburg cemetery, Harrisburg, Dauphin County.....		117	23	140			140
Methodist Episcopal cemetery, Dauphin County.....							
Mercersburg, Franklin County.....		4		4			4
Presbyterian cemetery, Franklin County.....		3		3			3
Union cemetery, Upton, Franklin County.....		4		4			4
Alleghany cemetery, Pittsburg, Alleghany County.....	1	110	19	130			130
Ashland cemetery, Carlisle, Cumberland County.....		38		38			38
Ceder Grove cemetery, Chambersburg, Franklin County.....	2	30	10	42			42
Evergreen cemetery, Gettysburg, Adams County.....		57	9	66			66
United Presbyterian burying ground, Adams County.....		2		2			2
Total.....	13	4,204	1,755	5,972	341	341	6,313

In seven of the foregoing cemeteries there are two hundred and twenty-nine (229) rebel soldiers buried.

The cemetery companies of Lafayette and Union Mechanic's, near Philadelphia, Autenbach's, and Charles Evans, at Reading, paid all the expenses of interment. It is supposed the bodies in the Evergreen cemetery, and in the Presbyterian burial ground at Gettysburg, were buried without expense to the United States.

The graves in the civil cemeteries are generally sodded, and many of them have headboards.

The expenditures, as far as reported, amount to \$18,978,754.

STATE OF DELAWARE.

In this State the bodies of the Union soldiers are buried at Fort Delaware, and in fourteen civil cemeteries, all in New Castle County.

Military cemetery at Fort Delaware.—Inspected September 24, 1868.

This burial ground is nearly in the form of a square, and contains about a quarter of an acre. It is divided into four equal parts, one

being the old cemetery, one containing the bodies of paroled prisoners of war, one containing the bodies of rebel prisoners of war, and the fourth unoccupied ground. It is inclosed with a neat paling fence on three sides, the fourth side being bounded by the main ditch, within the levee which encircles the island, on which the fort is situated. The bank of the ditch should be riveted with plank, as the current of water, with the flow and ebb of the tide, is making inroads upon the graves. A brick walk a part of the way from the fort to the cemetery is necessary, as the island is low and the water approaches the surface, and, during rains, rests upon it.

The burials were made on the island during the winter, from necessity, as the ice in the river prevented the bodies being taken to the cemetery at Finn's Point, in New Jersey, nearly opposite to the fort. They are buried almost entirely above ground, and covered with earth. To protect the remains more fully, the mounds should be raised eighteen inches with sand, which can readily be obtained from the New Jersey shore. Earth for the purpose cannot be taken from any part of the island without injury. The graves are not sodded, but grass seed should be sown. There are no headboards to the graves. The interments number one hundred and forty-two, (142,) all known, of which number nine (9) are officers. There is also a smaller burial-ground contiguous to this one, containing exclusively the bodies of rebel prisoners of war. It is similarly inclosed, and the graves should be protected in the same manner as recommended above.

The entire number of burials in this State are as follows:

Places of interment	White.				Colored.			Aggregate.
	Known.		Soldiers unknown.	Total.	Soldiers known.	Soldiers unknown.	Total.	
	Officers.	Soldiers.						
Fort Delaware, Pea Patch Island	9	133	.....	142	.....	.....	.....	142
Wilmington and Brandywine cemetery, Wilmington		35	4	39	.....	.....	.....	39
Asbury Methodist Episcopal Church cemetery, Wil- mington.		6	.....	6	.....	.....	.....	6
Saint Mary's Roman Catholic Church cemetery, Wil- mington.....		5	5	10	.....	.....	.....	10
Old Swede's Episcopal Church cemetery, Wilmington.	1	1	3	5	.....	.....	.....	5
Zion Methodist Episcopal (colored) Church cemetery, Wilmington					1	.....	1	1
St. Peter's Methodist Episcopal (colored) Church ceme- tery, near Wilmington.....					2	1	3	3
St. James Episcopal Church cemetery, near Wilmington		6	.....	6	.....	.....	.....	6
Mount Pleasant Methodist Episcopal Church cemeteries, near Wilmington		3	.....	3	.....	.....	.....	3
Mount Salem Methodist Episcopal Church cemetery, near Wilmington.....		3	.....	3	.....	.....	.....	3
Mount Lebanon Methodist Episcopal Church cemetery, near Wilmington		2	.....	2	.....	.....	.....	2
Presbyterian Church cemetery, Redclay Creek Hun- dred		2	.....	2	.....	.....	.....	2
Methodist Episcopal Church cemetery, Newark		1	.....	1	.....	.....	.....	1
Friends' cemetery, Stanton.....		1	.....	1	.....	.....	.....	1
Methodist Episcopal Church cemetery, Newport		1	.....	1	.....	.....	.....	1
Total	10	199	12	221	3	1	4	225

The graves in the civil cemeteries are generally sodded, and a number of them have headboards.

No expenditures have been reported.

STATE OF MARYLAND.

The Union dead in this State are buried in the cemetery at Antietam, the national cemetery, near Annapolis, and in the civil cemeteries of Loudon Park and Laurel Grove, near Baltimore. The cemetery at Point Lookout has been discontinued, and the bodies removed to the Arlington cemetery, Virginia.

Antietam cemetery.—Inspected October 6, 1868.

This cemetery was incorporated by an act of the legislature of the State of Maryland, dated March 23, 1865, and was designed more especially for the soldiers of the Union army who fell in the battle of Antietam, September 16, 1862. The act also provided for the removal of the rebel dead within the cemetery, to be interred in a separate place. This has not been done, nor is the vacant ground in the rear or south part of the plot sufficient to properly contain the bodies. It can only be accomplished by taking down the south wall and adding additional ground, or by inclosing sufficient ground on the south, and making a gate of entrance into it in the centre of the south wall. Either of these measures would satisfy the law. The question, however, arises, if the removals should be made, from what source will the necessary funds be derived? Maryland purchased the ground, ten acres, at a cost of one hundred dollars per acre. The several States having dead to be interred were requested to make appropriations for the purpose, in proportion to the number of their fallen soldiers, but, as some of the States failed to respond to the call, and, in some instances, the amounts appropriated by other States have not been paid entirely over, the association will not have funds to complete their work according to their plans. As I found the cemetery in quite an incomplete state, it is difficult to say what additional sum will be required, but, including the cost of a monument, which it is designed to erect, some thirty thousand dollars will be necessary. It will thus be seen that the act of the legislature of Maryland, in regard to the removal of the rebel dead, cannot be carried out from the means in the possession of the Cemetery Association.

The cemetery is an irregular figure of four sides, on an elevation southeast of, and a short distance from, the town of Sharpsburg, in Washington County, on a portion of the great battle-field. An extensive view is had from the top of the lodge of the entire ground over which the contending armies maneuvered and fought. It fronts on the Sharpsburg and Boonsboro turnpike, on most of which front there is a handsome iron railing, on an elevated stone foundation, with an appropriate iron gate. The other portion of the cemetery is inclosed with a high substantial stone wall with heavy coping stone. Inside of the gate is a handsome lodge of stone, two stories high, with a small tower, having two rooms and a kitchen on the first floor, and three rooms on the second. A main avenue, sixteen and a half feet wide, extends from the gate around the ground, encircling the burial sections. In the center a space has been reserved for a monument, around which four small plots are designed for trees and shrubbery. Four avenues, from the center space and other walks, divide the ground into burial lots of suitable size for the dead of the several States.

At the date of my inspection the cemetery was in quite an unfinished state, work on it having been suspended from some cause. Since that time it is understood that work has been resumed. The main avenue was not entirely macadamized, nor were the walks graveled. The

graves were not sodded, nor had they headboards. No flag-staff has been erected, except a small one on the top of the lodge, on which a proper sized flag cannot be hoisted.

The interments number four thousand six hundred and eighty-seven, (4,687,) and are classed in the register as follows :

States, &c.	Total.	Known.	Unknown.	States, &c.	Total.	Known.	Unknown.
Maine.....	96	88	8	Ohio	349	320	29
New Hampshire.....	25	24	1	Indiana.....	144	136	8
Vermont	65	56	9	Illinois.....	29	28	1
Massachusetts	202	128	74	Michigan.....	137	100	37
Rhode Island.....	23	22	1	Wisconsin	142	130	12
Connecticut	85	80	5	Minnesota	10	10	.....
New York.....	862	726	136	Iowa	2	2	.....
New Jersey.....	70	65	5	United States regulars.....	85	78	7
Pennsylvania.....	630	546	84	Officers.....	38	31	7
Delaware	28	28	.....	Organization or States un-			
Maryland.....	90	84	6	known	1,403	42	1,361
West Virginia.....	172	170	2				
				Total	4,687	2,894	1,793

The dead of the battle-field numbered fourteen hundred and seventy-five, (1,475.) The other bodies, numbering three thousand two hundred and twelve, (3,212,) were removed from the battle-fields of Monocacy Junction, South Mountain, from the hospital at Clareyville, near Cumberland, and from other places in the counties of Frederick, Washington, and Alleghany, Maryland; also from Harper's Ferry, Jefferson County, West Virginia, and vicinity. The bodies, except those from the battle-field of Antietam, were exhumed and delivered at the cemetery by the Quartermaster's Department, and then buried by the association.

The expenditures amount to.....	\$34,900
Cost of lodge.....	5,700
Total.....	40,600

The expenditures by the Quartermaster's Department are not included in the foregoing statement.

After the cemetery is completed, it is intended by the association to transfer it to the general government.

Annapolis cemetery.—Inspected October 9, 1868.

This cemetery is situated a short distance west of the city of Annapolis in Ann Arundel County, just beyond the corporate limits, fronting eighty feet on a county road, and contains about four acres. Owing to the nature of the ground, it is a very irregular figure. It is divided by a main avenue from the gate, and a cross avenue in the center of the plot ten feet wide, dividing it into four divisions, and the divisions subdivided by six crosswalks into fifteen burial lots. Since the previous inspection some additional ground has been added. The whole is inclosed with a neat paling fence with cedar posts, whitewashed. Brick gutters have been made, giving good drainage. The walks are nearly all graveled. The grass is growing rapidly, and soon the whole ground will be covered.

The graves are furnished with headboards, painted white and lettered black. A lodge has been erected, also a flag-staff.

As it is inconvenient to obtain water, it is recommended that the supply-pipe for Annapolis, running along the road, should be tapped, and water furnished to the lodge.

The interments number two thousand six hundred and sixty-one, (2,661,) of which number two thousand four hundred and eighty-six (2,486) white soldiers, one hundred and thirty-eight (138) colored soldiers, two (2) sailors, one (1) Russian sailor who died on a Russian man-of-war lying at Annapolis, three (3) female nurses, seven (7) citizens, and one (1) child are known, and eighteen (18) white soldiers and five (5) colored soldiers are unknown. The dead came from the general hospital and parole camp near Annapolis, and most of them were returned prisoners of war.

The expenditures amount to \$13,682 82.

Augustus Ambrecht, a discharged ordnance sergeant, is the superintendent, whose appointment is dated June 1, 1868. He is very attentive to his duties and has the cemetery in good order.

Loudon Park cemetery.—Inspected October 1, 1868.

This is an incorporated cemetery, situated three and a half miles west of the city of Baltimore, in Baltimore County, fronting on the road to Catonsville. That part of the cemetery occupied by the Union dead is in the northeast portion of the cemetery, with a narrow space on the road, and extending along the eastern fence. The cemetery association offered the government half an acre for five hundred dollars, but as at that time land could not be purchased without an act of Congress, a long lease was taken.

The secretary of the company states, that by the original agreement the United States was to expend one thousand dollars to inclose the plot, which was done. The ground proving insufficient for the purpose, additional lots were taken in the same section, at a cost for each interment of five dollars. As a number of graves were thus placed without the inclosure, the short line of iron railing was taken down, and joined with the longer line. It proved, of course, insufficient, and I recommended, at the previous inspection, to fully complete it. The suggestion of Brevet Brigadier General J. C. McFerran, deputy quartermaster general, now in charge, is better, which is to take down the entire iron railing, as an inclosure within the cemetery is unnecessary, and with it replace the old wooden fence on the eastern boundary line.

The graves are well sodded, and the walks are nearly all graveled. The graves have headboards, painted white and lettered black. The interments number seventeen hundred and ninety, (1,790,) of which number one (1) commissioned officer, fifteen hundred and ninety-eight (1,598) white soldiers, (two (2) teamsters, one (1) nurse, and two (2) citizens are known, and one hundred and eighty-six (186) white soldiers are unknown. The bodies came from the hospitals in Baltimore, the Relay House, and Elkridge landing.

The expenditures amount to \$5,000. Thomas Lewis, a discharged private of the 5th regiment of New York volunteers, is the superintendent, whose appointment is dated August 6, 1867. His quarters not being near the cemetery, and he not in it, I did not see him. I see no necessity for a superintendent, nor for a lodge for his accommodation. The cemetery association can keep the grounds in proper order, at far less expense.

Laurel cemetery.—Not inspected.

This is an incorporated cemetery near the city of Baltimore, in which is buried the remains of two hundred and twenty-nine (229) colored soldiers, all known.

No expenditures have been reported.

Recapitulation of interments in Maryland.

Cemeteries.	White.								Colored.			Aggregate.
	Known.							Unknown.	Total.	Known.	Unknown.	
	Officers.	Soldiers.	Sailors.	Russian sail'r.	Teamsters.	Nurses.	Citizens.	Children.		Soldiers.	Soldiers.	
Antietam		2,894							1,793	4,687		4,687
Annapolis		2,486	2	1		3	7	1	18	2,518	138	2,656
Loudon Park	1	1,598			2	1	2		186	1,790		1,790
Laurel Grove											229	229
Total.....	1	6,978	2	1	2	4	9	1	1,997	8,995	367	9,362

DISTRICT OF COLUMBIA.

In the District of Columbia the Union dead are buried in the Military Asylum cemetery, at the Soldiers' Home, the Union cemetery, and the cemetery of Christ Church, near the Navy Yard, commonly known as the Congressional Burial-ground.

Military Asylum cemetery.—Inspected April 22, 1868.

This cemetery is situated on the ground belonging to the Soldiers' Home, in Washington County, two and a half miles north of the city of Washington, and contains eight acres. The board of commissioners of that institution, in the first year of the rebellion, made a tender of ground necessary for a burial place to the War Department, which being accepted, the Quartermaster General gave the necessary orders to inclose it, and lay it off in suitable building lots. The ground at first given proving insufficient, it was enlarged to its present extent; but, owing to the broken surface of the additional ground, it made a very irregular figure of eight sides. It is inclosed with a paling fence, white-washed, and a neat gate, which, with the palings on the front by the entrance, is painted white. A main avenue, ten feet six inches wide, extends from the gate of entrance through the center of the ground, which is crossed by two other avenues of the same width, making six sections, which are subdivided by paths into convenient burial-lots. The graves are in double rows, with walks between. All the avenues and walks are graveled, the gravel being taken from a large pit on the grounds of the Soldiers' Home. Deep gutters of brick carry off the surface water, making the drainage perfectly good. The graves have head-boards, and are all well sodded. Some few have marble slabs, erected by relatives and friends of the deceased.

Within the gate is a neat reception-room, where the register is kept,

and adjoining it is a small hot-house, filled with plants to ornament the grounds. One small section near it is handsomely ornamented, and there is also a number of evergreens through the grounds, which are in a flourishing condition. Exterior to the gate, on the opposite side of the main road, in a grove of oaks, a lodge has been erected. The national flag floats from a staff erected on a small mound, by the center of the southern fence.

The first interment was made August 3, 1861, and the filling of the ground May 13, 1864. The interments number five thousand four hundred and ninety-nine, (5,499,) of which number twenty (20) officers, five thousand one hundred and forty-eight (5,148) white soldiers, one hundred and ninety-five (195) colored soldiers, two (2) sailors, one hundred and thirteen (113) employés, one (1) laundress, and three (3) children, are known. There are three (3) amputated legs, one of General Briscoe, the other two of soldiers. There are also one hundred and seventeen (117) rebels buried in the cemetery, five (5) of whom are officers, all known. The burials were principally made from the military hospitals established near the city of Washington.

The expenditures amount to \$63,096 09. Patrick Callaghan, a discharged first lieutenant of the veteran reserve corps, is the superintendent, whose appointment is dated August 6, 1867. He is attentive to his duties, and has the cemetery in excellent order.

Union cemetery.—Inspected November 30, 1868.

This cemetery is situated on the east side of the Washington and Brookville turnpike, in Washington County, near Fort Stephens and the second toll-gate, just within the boundary line of the District of Columbia, and five and a half miles from the city of Washington. July 12, 1864, the rebel General Early made his demonstration against the city of Washington at this point. After a brisk skirmish on the picket line with his advanced force, he was compelled to retreat before the main body of the Union troops, which were rapidly marching, could be brought up.

The cemetery is a square, containing one acre of ground, in the center of which is a circle twenty-one feet six inches in diameter, on which a flag-staff has been erected. Around the circle is a walk four feet six inches wide, and exterior to it, in a circular space sixteen feet nine inches wide, are interred the bodies of forty (40) who fell in the skirmish, one (1) of whom is an officer. All are known.

The ground is inclosed with a substantial paling fence, with a small gate, opening on the turnpike, whitewashed, and posts with black tops. There are four avenues, eight feet wide, leading from the centre of each side to a walk of four feet around the burial spot, dividing the ground into four large spaces for ornamentation. A seven-foot border for shrubbery extends around the ground within the fence, also a walk four feet wide. There are a number of rose bushes and other shrubbery in the border, likewise a number of evergreens over the ground. The avenues and walks are all graveled. The graves have headboards, and are sodded. A temporary lodge has been erected near the gate, which requires the addition of a kitchen. A well is necessary.

The expenditures amount to \$998 68; the expenditures were made by Brevet Colonel James M. Moore, assistant quartermaster. Andrew Macartney, a discharged sergeant of the Forty-fourth Regiment of Infantry, is the superintendent, whose appointment is dated August 6, 1867. He is attentive to his duties, and has the cemetery in excellent order.

In the cemetery of Christ Church, generally known as the Congressional Burial-ground, there are seventy-nine (79) bodies of Union soldiers; all known.

Recapitulation of interments in the District of Columbia.

Cemetery.	White.						Colored.		Aggregate.	
	Known.						Soldiers, known.	Total.		
	Officers.	Soldiers.	Sailors.	Employés.	Laundresses.	Children.				Total.
Military Asylum.....	20	5,148	2	130	1	3	5 304	195	195	5,499
Union.....	1	39	.....	.....	.....	.....	40	.....	.....	40
Christ Church.....	.....	79	.....	.....	.....	.....	79	.....	.....	79
Total.....	21	5,266	2	130	1	3	5,423	195	195	5,618

STATE OF VIRGINIA.

There are seventeen cemeteries in this State, viz: at Arlington, Alexandria, Ball's Bluff, Winchester, Staunton, Culpeper, Danville, Fredericksburg, Richmond, Cold Harbor, Seven Pines, Fort Harrison, Glendale, Poplar Grove, City Point, Hampton, and Yorktown.

Arlington cemetery.—Inspected May 10, 1869.

This cemetery is situated three miles from the city of Washington, in Alexandria County, on what is known as the Arlington estate, the property for many years of the late George Washington Park Custis, who bequeathed it to Custis Lee, the oldest son of his daughter, the wife of General Robert E. Lee, of the rebel army. In the early part of the rebellion the property was taken possession of by the Union troops, and the residence became the headquarters of Major General McDowell, and subsequently that of other general officers of the army, who protected the estate from depredations.

During the rebellion the estate was sold for arrearages of taxes, and the United States became the purchaser. The national cemetery at the Soldiers' Home, in the District of Columbia, proving insufficient for the interment of deceased Union soldiers, instructions were given to make a cemetery on the Arlington estate. Accordingly, under the orders of Major General M. C. Meigs, Major General D. H. Rucker inclosed two hundred acres of the tract contiguous to the mansion for the purpose with a substantial wooden fence, that part of it fronting on the road leading from Georgetown, District of Columbia, to Alexandria, Virginia, being of palings, and the balance of panels five feet high. The posts are of railroad ties, some of which are decaying. The fence requires another coat of whitewash. On the road are the two main entrances to the cemetery, one at the northeast corner where interments were first made. At the entrance gate there is a small lodge of two rooms erected for the sexton. The mansion is used for the residence of the superintendent, an office, and a small green-house to cultivate plants to ornament the grounds. The house is very much out of repair. South of the house is

a neatly ornamented flower garden, around which, outside the fence, are the graves of forty-five (45) officers, all known. The main avenues from the gates of entrance, and the other avenues and walks, are carefully constructed and made very firm. The drainage of the entire ground is perfect. There are a large number of forest and other trees and shrubbery over the grounds, especially near and in front of the mansion. Everything has been done to make it attractive and a place of interest to the numerous visitors, visiting the seat of government.

The interments were first made by the gate on the northeast corner of the plot, on a slope extending to a small rivulet with marshy border; but this proving entirely insufficient, the plateau west of the house extending to the western exterior fence was designated, and there the principal interments were made. The two places are connected by one of the broad avenues, the road crossing the rivulet by a wooden bridge, which is somewhat decayed. A more permanent structure should be made.

Just west of the flower garden a circular vault has been constructed, twenty-five feet in diameter and twenty feet deep, which contains the bodies of twenty-one hundred and eleven (2,111) unknown soldiers. The vault is covered with a massive mausoleum of granite, on the top of which are placed four three-inch rifled guns, with piles of cannon balls. On one of the faces of the tomb is the following inscription, viz:

Beneath this stone

Repose the Bones of Two Thousand and One Hundred and Eleven Unknown Soldiers,
gathered after the war

from the Field of Bull Run, and the Route to the Rappahannock. Their Remains could not
be identified, but their Names and Deaths are Recorded in the Archives of their Country;
and its Grateful Citizens honor them as their Noble Army of Martyrs.

May they rest in peace.

September, A. D. 1868.

The interments number fifteen thousand two hundred and seven, (15,207,) of which number forty-five (45) commissioned officers, six thousand nine hundred and seventy-nine (6,979) white soldiers, two (2) sailors, one hundred and seventy-five (175) colored soldiers, five hundred and fifty-two (552) employés, and fifty-eight (58) citizens, are known; and one (1) officer, three thousand eight hundred and forty-seven (3,847) white soldiers, two hundred and twenty-nine (229) colored soldiers, and eighty-four (84) employés, are unknown. Also, included in the above, but not classed, are three thousand two hundred and thirty-five (3,235) colored persons, contrabands, so-called.

There are also, but not included in the above, fourteen (14) rebel officers, three hundred and thirty-three (333) rebel soldiers, and ten (10) citizens, prisoners of war and state; making the whole number of interments fifteen thousand five hundred and sixty-four (15,564.)

The interments were made from the troops stationed in and around the city of Washington, and from the general hospitals. Bodies were also removed from the battle-field of Bull Run, and on the line of the Rappahannock River, in Virginia, from the Harmony and Congressional cemeteries, in the District of Columbia, and from the national cemetery at Point Lookout, in St. Mary's County, Maryland.

The graves are all well sodded, and have headboards. A flag-staff has been erected in front of the house.

The expenditures amount to \$231,759 54. The expenditures were made by Brevet Major General D. H. Rucker, Assistant Quartermaster General, Brevet Lieutenant Colonel J. M. Moore, quartermaster, and Brevet Colonel A. P. Blunt, assistant quartermaster. Thompson R. East, a discharged first sergeant of Company G, Fifth Regiment of Cav-

alry, is the superintendent, whose appointment is dated August 6, 1867. He is attentive to his duties, and has the cemetery in fine order.

Alexandria cemetery.—Inspected October 16, 1868.

This cemetery adjoins the city of Alexandria, in Fairfax County, on the southwest, within the corporate limits. It is in the form of a parallelogram, and contains four acres. It is divided into four divisions by two avenues crossing each other at right angles; one extending east and west from the gate of entrance, in the center of the east side fifteen feet wide; the other north and south, from the center of the north side thirteen feet wide. In the center of the plot is a fountain, the water from which flows into a small fish-pond in another portion of the ground. Near the center, west of the fountain, a flag-staff has been erected.

There are several small plots made to resemble corps badges, which, with other portions of the cemetery, are tastefully ornamented with trees and shrubbery, which are numerous and well grown. A small green-house has been erected, in which very many plants have been reared to ornament the cemetery. At the gate of entrance is a neat rustic office of two rooms, which, however, must soon be taken down, and the lodge in the southern portion of the grounds take its place.

It is inclosed with a substantial plank fence, with locust posts, and neat gate, whitewashed. The posts are rapidly decaying and will soon require to be renewed. The main avenues are paved with small stones, and covered with coal tar, which effectually destroys the grass. The narrow walks are all graveled. The graves are well sodded, and furnished with headboards painted white and properly lettered. The drainage is good. The interments number three thousand five hundred and sixty-four (3,564,) of which number four (4) officers, three thousand two hundred and one (3,201) white soldiers, two hundred and forty-three (243) colored soldiers, eleven (11) employés, and seven (7) citizens, are known; and one (1) officer, ninety-one (91) white soldiers, and six (6) colored soldiers, are unknown. There are twenty-one (21) rebel soldiers buried in the west side of the ground. The bodies were nearly all removed from the burial-grounds of the several hospitals in and around the city of Alexandria. Thirty (30) were exhumed from the farm of Dr. Bigelow, three miles distant.

The expenditures amount to \$26,220 16. The expenditures were made by Brevet Lieutenant Colonel I. G. C. Lee, Captain E. L. Hartz, Brevet Colonel A. P. Blunt, assistant quartermasters, and Brevet Lieutenant Colonel J. M. Moore, quartermaster. Frederick Kauffman, a discharged private of the second regiment New Jersey volunteers, is the superintendent, whose appointment is dated August 6, 1867. He is attentive to his duties, and has the cemetery in excellent order.

Ball's Bluff.—Inspected October 12, 1868.

This small cemetery is situated about two miles from the city of Leesburg, on the right bank of the Potomac River, in Fairfax County, and marks the spot of a conflict between the United States troops and the rebels. It is an out-of-the-way place and distant from any public road. It is in the form of a square, whose sides are fifty feet in length; and is inclosed with a paling fence, and small common gate, which requires to be again whitewashed. In the center of the plot is a large circle for a flag-staff, which has not yet been erected. Around this circle is a broad avenue which connects with the gate of entrance; and around this cir-

cular walk are arranged the graves, twenty-five in number, containing fifty-four (54) bodies of white soldiers, one (1) known, and fifty-three (53) unknown. The bodies were collected from the battle-field. The avenue is paved; the graves are sodded, and all have headboards painted white and properly lettered. No lodge has been erected, nor is one deemed necessary. It is in charge of a citizen residing, it is understood, in Leesburg, who receives a small monthly compensation. The place was not in good order, being overgrown with grass and weeds.

The ground belongs to Governor Swann, of Maryland, who signified his intention of conveying it to the United States; but the transfer has not been made.

After my first inspection, I recommended that this small cemetery be discontinued, and the few bodies, all unknown but one, be removed to the Arlington cemetery, and I am still of opinion that the measure should be adopted.

The expenditures amount to \$673 50.

The expenditures were made by Brevet Lieutenant Colonel J. M. Moore, quartermaster, and Brevet Colonel A. P. Blunt, assistant quartermaster.

Winchester cemetery.—Inspected December 4, 1868.

This cemetery is situated one-fourth of a mile east of the city of Winchester, in Frederick County, and lies between the Berryville turnpike and a county road, fronting on the former. It is a parallelogram, and contains about five acres. It is divided into two equal parts by a main avenue ten feet wide, and again subdivided by paths of six, five, and four feet wide, making ninety-six squares, capable of containing about fifty graves each. In the center of the plot is a circle fifty feet in diameter, on which a flag-staff has been erected. There are four other circles thirty feet in diameter.

It is inclosed with a paling fence, with locust posts, whitewashed. There is a neat gate of entrance in the center of the north side of the cemetery, opening on the turnpike. On each side of the gate two squares have been reserved, on one of which is a small lodge with two rooms; the other is designed for a garden.

The walks are all graveled with an inferior material brought from a distance of seven miles. The mounds in the circles and the graves are sodded. All the graves have headboards. Owing to the ground being almost level, the drainage is not very good, although extensive gutters of brick have been made. Trees and shrubbery are necessary to ornament the grounds.

The interments number four thousand three hundred and seventy-seven, (4,377,) of which number fifty-three (53) officers, two thousand and thirty (2,030) white soldiers, three (3) colored soldiers, one (1) employé, five (5) men, two (2) women, and five (5) children are known; nine (9) officers, two thousand two hundred and sixty-three (2,263) white soldiers, and six (6) colored soldiers are unknown.

As far as possible the bodies have been buried in the squares according to the States in which their regiments were organized. In lot number twenty-five, the State of New Hampshire has had erected a monument of granite to the forty-five (45) officers and soldiers of the Fourteenth regiment, who were killed or mortally wounded in the battle of September 19, 1864.

The bodies were removed in Virginia from the battle-field of Winchester, in Frederick County; New Market, in Shenandoah County;

Bath, in Bath County; Front Royal, in Warren County, and Snicker's Gap. In West Virginia, from Harper's Ferry, in Jefferson County; Martinsburg, in Berkeley County, and Romney, in Hampshire County; altogether from a region of country of about fifty miles in extent.

The cemetery was not entirely finished. An agent of the Quartermaster's Department, under the orders of Brevet Lieutenant Colonel James M. Moore, quartermaster, with twelve men, were employed on the work.

The expenditures amount to \$74,228 29. The expenditures were made by Brevet Lieutenant Colonel James M. Moore, quartermaster. Philetus Sedgewick, a discharged private of Company E, 125th regiment of New York volunteers, is the superintendent, whose appointment is dated October 1, 1867. He is attentive to his duties, and has the cemetery in good order.

Staunton cemetery.—Inspected October 14, 1868.

This cemetery is situated one and a half miles southeast of the city of Staunton, in Augusta County, lying between the Richmond turnpike and the Chesapeake and Ohio railroad, fronting on the turnpike. Originally a plot of ground was selected containing over two acres, on the belief that the interments would number some eighteen hundred. The actual number proved to be seven hundred and forty-nine, and the plot was reduced to a square containing about one and one-sixth acres. It is divided into four equal divisions for burial purposes, by avenues twelve feet wide, starting from the center of each side and running to a center avenue of the same width, which surrounds a circle fifty feet in diameter. There is also an exterior avenue nine feet wide around the entire square.

It is inclosed with a picket fence and neat gate, whitewashed. A lodge has been erected near the gate of entrance, and a flag-staff erected on the center circle. The walks are all graveled. The graves are sodded, and furnished with headboards. The drainage is good. A number of small evergreens were brought from the mountains and set out, but most of them have died.

The interments number seven hundred and forty-nine, (749,) of which number twelve (12) officers, two hundred and nineteen (219) white soldiers are known, and four (4) officers and five hundred and fourteen (514) white soldiers are unknown.

The bodies were removed from the city cemetery at Staunton, Piedmont, and Waynesboro, in Augusta County; Cross Keys, Port Republic, and Harrisonburg, Rockingham County; McDowell, in Highland County, and Lexington, in Rockbridge County, at distances varying from thirteen to thirty-six miles.

The expenditures amount to \$68,357 96. The expenditures were made by Brevet Lieutenant Colonel James M. Moore, quartermaster. Henry Clark, a discharged quartermaster sergeant of the Forty-fourth Regiment of Infantry, is the superintendent, whose appointment is dated August 6, 1867. He is attentive to his duties, and has the cemetery in good order.

Culpepper cemetery.—Inspected October 15, 1868.

This cemetery is situated east of and adjoining Culpepper, in Culpepper County, within the corporate limits, on rolling ground sloping toward the town. It is an irregular figure of four sides containing six acres,

and, as it is now ascertained, double the amount of land necessary. Two avenues at right angles to each other, sixteen and ten feet wide, divide the plot into four divisions for burial purposes, and around the entire ground within the fence is an avenue ten feet wide. Near the center is a circle fifty feet in diameter, on which a flag-staff has been erected. There are twenty-five graves on each side of the main avenue, from the gate of entrance to the circle, with a border three feet wide exterior to them; also a similar border on each side of the other avenues, all sodded. Part of the section containing the bodies of the known soldiers is laid off as a flower garden. The unknown bodies fill the second section and a small portion of the third, leaving a large space in it, and the fourth section is without graves.

It is inclosed with a paling fence and neat gate, whitewashed. A lodge has been erected near the gate. A road has been opened, as previously recommended, direct from the main gate to the Orange and Alexandria railroad, passing through the eastern part of the town, and a substantial fence erected on each side of the road. As water has to be brought from a distance in the town, it is recommended that a well be dug near the lodge. At the time of inspection, the cemetery was in an unfinished state; under-drains and gutters of brick were being made to give a good drainage. Some of the avenues were covered with broken stone; and stone was being broken to cover them all. Since the inspection the work has been completed. The graves are all sodded and are furnished with headboards. There are a number of small forest trees in the grounds.

The interments number thirteen hundred and twenty-seven, (1,327,) of which number nineteen (19) officers and four hundred and twenty-eight (428) white soldiers are known, and eight hundred and eighty (880) white soldiers unknown. It is estimated that forty (40) bodies are yet to be removed.

The bodies were removed from Cedar Mountain and Brandy Station, in Culpeper County; Gordonville, in Orange County; and Trevelan Station, eight miles beyond; and from some seventeen other places in the counties of Culpeper, Rappahannock, and Page.

The expenditures amount to \$26,620 80. The expenditures were made by Brevet Lieutenant Colonels M. J. Luddington and James M. Moore, quartermasters; Brevet Colonel A. P. Blunt, assistant quartermaster; and Brevet Major James Gleason, assistant quartermaster of volunteers.

Augustus Barry, a discharged sergeant major of the Sixteenth Regiment of Infantry, is the superintendent, whose appointment is dated December 4, 1867. He is attentive to his duties, takes great pride in the cemetery, and has it in excellent order.

Mr. Green, who owns the adjoining property, claims that the eastern fence of the cemetery is three feet on his land. He has placed obstructions to prevent the opening of the gate in the center of the fence, which is now kept locked; and has erected a hog-pen by the fence, and is disposed to give every annoyance he can. As there is a large space of vacant ground on that side, it is recommended that the east fence be removed twenty-five feet within the government ground, which can be done at small expense.

Danville cemetery.—Inspected October 22, 1868.

This cemetery is situated about one mile south of the city of Danville, in Pittsylvania County, within the corporate limits which has recently been extended in that direction; it fronts on Lee street; is nearly in form of a rectangle, and contains about three and a half acres.

It is divided into four divisions by two avenues fifteen feet wide crossing each other at right angles, and these again by walks six feet wide, into two sections each, for burial purposes. In the center is a mound thirty feet in diameter, on which a flag-staff has been erected. There is an exterior avenue within the fence fourteen feet wide.

It is inclosed within a paling fence and neat gateway, whitewashed, opening on Lee street. On the south side a strip of ground has been left between the fence and the cemetery for colored people; on the west side is a space used as a garden; and it is recommended that the western fence be removed so as to bring this ground within the cemetery. A lodge has been erected near the gate of entrance. The avenues and walks are all graveled. The graves are sodded and have headboards painted white and properly lettered. The gutters are all made of brick, and, as the ground slopes in every direction from the center circle, the drainage is perfect. There are but five small pine trees within the ground, and no shrubbery.

The interments number thirteen hundred and twelve, (1,312,) of which number four (4) officers, eleven hundred and twenty one (1,121) white soldiers, four (4) sailors, thirty-seven (37) colored soldiers, two (2) employés, and one (1) citizen are known; and one hundred and thirty-one (131) white soldiers, eleven (11) colored soldiers, and one (1) colored employé is unknown. The bodies were removed from the prison pen and vicinity of the town—prisoners of war who died in hospital, except four soldiers of the sixth corps.

The expenditures amount to \$24,969 05. The expenditures were made by Colonel Cadwallader, Brevet Lieutenant Colonel James M. Moore, quartermaster, and Brevet Colonel A. P. Blunt, assistant quartermaster. Francis O'Donohoe, a discharged first sergeant of the Fifth Regiment New York volunteers, is the superintendent, whose appointment is dated August 6, 1867. He is attentive to his duties, and has the cemetery in good order.

Fredericksburg cemetery.—Inspected October 21, 1868.

This cemetery is very eligibly situated on Mayre's Heights, one and a half mile southwest from the city of Fredericksburg, in Spottsylvania County, and contains twelve five-thousandths ($12\frac{5}{1000}$) acres. The main entrance is on the Spottsylvania Court House road. Owing to the nature of the ground, the plot is a very irregular one, of eleven sides. The south side extends to a deep ravine and small stream. The ground on the east side, bordering on the road, was much broken, and liable to wash with heavy rains. After the previous inspection, at my suggestion, additional ground was taken in and made into eight terraces on the right and nine on the left of the entrance, with the slopes well sodded, perfectly securing this front. By means of straight and curved avenues, the ground is subdivided into twenty irregular divisions for burial purposes, except one near the gate of entrance reserved for a lodge, which has been erected. The main avenue, or carriage-way, through the grounds, is fifteen feet wide, and the walks around the fence and between the divisions are fifteen feet wide. There are two circles with mounds, one about the center of the grounds, on which a flag-staff has been erected, the other is on the south side of the plot. The center circle is entirely too small for so imposing a cemetery, and should be enlarged to twenty-five feet in diameter, and the mound raised from eight to fifteen feet. This would involve the removal of ninety-six bodies, but there is ample space for them in other divisions. A well should be dug near the lodge.

It is inclosed with a substantial paling fence, with cedar posts, and neat gate of entrance, whitewashed. A second coat of whitewash I found to be necessary. The avenues and walks are nearly all graveled, and six thousand five hundred and seventy-four (6,574) graves were well sodded. All the graves have headboards, properly painted and lettered.

The gutters are made of brick, and the drainage is perfect. There are no trees or shubbery within the grounds.

The interments number fifteen thousand one hundred and eighteen, (15,118,) of which number ninety-eight (98) officers, two thousand three hundred and nine (2,309) white soldiers, four (4) sailors, two (2) colored soldiers, and two (2) employés are known, and thirty-five (35) officers, twelve thousand six hundred and seventy-six (12,676) white soldiers, and two (2) colored soldiers are unknown. The bodies were removed from the battle-fields of Fredericksburg, Chancellorsville, and the Wilderness, from the counties of Spottsylvania, Stafford, King George, and Westmoreland, embracing a region of over one hundred miles.

The expenditures amount to \$180,589 08. The expenditures were made by Brevet Lieutenant Colonel J. M. Moore, quartermaster. Edward M. Mahon, a discharged first lieutenant of the Twentieth Regiment New York volunteers, is the superintendent, whose appointment is dated August 6, 1867. He is attentive to his duties, and has the cemetery in good order.

Richmond cemetery.—Inspected October 26, 1868.

This cemetery is situated one mile northeast of the city of Richmond, in Hanover County, on the Williamsburg turnpike, on which it fronts. It is the form of a rectangle, six hundred and seventy-six and sixty-seven hundredths feet, by five hundred and fifteen feet, and contains eight acres.

From the entrance gate on the turnpike, in the center of the north fence, an avenue eighteen feet wide extends to the south fence, and a cross avenue east and west, twenty feet wide, divides the plot into four equal sections, and these are again subdivided, by avenues crossing each other at right angles, ten feet wide, into six sections each, making twenty-four in all, for burial purposes, except one section by the gate reserved for a lodge, which has been erected. Within and around the fence is an avenue twenty-seven and a half feet wide. In the center of the plot is a circle fifty-feet in diameter, on which a flag-staff has been erected. A house has been erected to raise plants for this and other cemeteries.

It is inclosed with a paling fence and neat gate of entrance, whitewashed. The avenues and walks are all graveled, and most of the graves are sodded. Headboards are erected to nearly all of the graves, painted white and properly lettered. The ground is slightly rolling, but nearly level, rendering gutters made of brick necessary. These have been constructed, but some of the brick-work needs repairing. The drainage is good.

The interments number six thousand three hundred and twenty-nine, (6,329,) of which number, eighteen (18) officers, seven hundred and eighty (780) white soldiers, two (2) sailors, thirteen (13) colored soldiers, six (6) employés, and three (3) citizens are known, and five thousand four hundred and ninety-eight (5,498) white soldiers and six (6) children are unknown. Three thousand two hundred bodies, mostly unknown, were removed from Oakwood cemetery, and two hundred and ten (one

hundred and fifteen known) from Belle Isle ; twelve from a trench at the Rocketts, all in Richmond, Henrico County, deceased prisoners of war ; three hundred and eighty-eight, all known but eighteen, from Hollywood cemetery in Richmond, deaths from the troops after the war ; also from the battle-fields of Cold Harbor and Seven Pines, and from the counties of Chesterfield and Hanover. In all seventy different places, at a maximum distance of twenty-five miles. Ten bodies are yet to be removed.

The expenditures amount to \$86,228 82. The expenditures were made by Colonel Cadwallader, Brevet Lieutenant Colonel J. M. Moore, quartermaster, and Brevet Colonel A. P. Blunt, assistant quartermaster. Patrick Hart, a discharged sergeant of company B, forty-fourth regiment of infantry, is the superintendent, whose appointment is dated August 6, 1867. He is attentive to his duties, and has the cemetery in fine order.

Cold Harbor cemetery.—Inspected October 24, 1868.

This cemetery is situated on the battle-field of Cold Harbor, in the southern part of Hanover County, about eighteen miles east of the city of Richmond, and fronts on the White-House road.

It is in the form of a rectangle, and contains about one and one-third acre. It is divided by two avenues seven feet wide, crossing each other at right angles, into four divisions for burial purposes, containing two hundred and sixteen graves each. There is besides, on the north side of the plot, two trenches, one containing the bodies of five hundred and sixty-eight, the other three hundred and twenty-one, unknown soldiers. Near the center of the plot is a circle twenty feet in diameter, on which a flag-staff has been erected. Around the grounds, within the exterior fence, is an avenue seven and nine feet wide.

It is inclosed with a paling fence with cedar posts, and neat gate in the center of the southern side, opening on the White-House road, whitewashed. A lodge has been erected near the gate of entrance. The avenue and walks are all graveled. The graves and trenches are sodded ; all the graves have headboards, painted white and properly lettered. The drainage is good ; there is some little shrubbery in the grounds.

The interments number nineteen hundred and twenty-three, (1923,) of which number forty-six (46) officers, six hundred and thirty (630) white soldiers are known, and five (5) officers, twelve hundred and forty-two (1,242) white soldiers are unknown. The bodies were removed from the battle-field, and from Hanover Court-house, a distance of twenty two miles.

The expenditures amount to \$13,511 11. The expenditures were made by Brevet Lieutenant Colonel J. M. Moore, quartermaster. Charles W. Hayme, a discharged private of Company B, Eighth Regiment of Infantry, is the superintendent, whose appointment is dated July 16, 1868. He is attentive to his duties, and has the cemetery in good order.

Seven Pines cemetery.—Inspected October 24, 1868.

This cemetery is situated on the battle-field of Seven Pines or Fair Oaks, in Henrico County, seven miles from the city of Richmond, at the intersection of the Nine-miles and Williamsburg roads, and fronts on the latter road.

It is nearly a square and contains about one and a half acre. It is

divided into four equal divisions of two hundred and two graves each, by two avenues nine feet wide, crossing each other at right angles; an avenue eleven feet wide extends around the ground within the inclosure. In the center of the plot is a circle thirty-two feet in diameter, on which a flag-staff has been erected. It is inclosed with a substantial picket fence with cedar posts, and a neat gate of entrance, whitewashed, opening on the Williamsburg road. A lodge has been erected near the gate of entrance. The avenues and walks are nearly all graveled, and the graves are all well sodded and furnished with headboards painted white and properly lettered. The drainage is good. There is some shrubbery in the grounds.

The interments number thirteen hundred and fifty-eight, (1,358,) of which number, seven (7) officers and one hundred and forty-three (143) white soldiers are known, and twenty-nine (29) officers, eleven hundred and seventy-one (1,171) white soldiers, and seven (7) colored soldiers and one (1) employé are unknown. The bodies were removed from the battle-field, and from Savage's Station, two miles distant; in all, from about sixty farms within a region embracing four miles.

The expenditures amount to \$61,380 71. The expenditures were made by Colonel Cadwallader, Brevet Lieutenant Colonel J. M. Moore, quartermaster, and Brevet Colonel A. Blunt, assistant quartermaster. James Kelly, a discharged private of Company K, Forty-fourth Regiment of Infantry, is the superintendent, whose appointment is dated November 19, 1867. He is attentive to his duties, and has the cemetery in excellent order.

Fort Harrison cemetery.—Inspected October 26, 1868.

This cemetery is situated near a captured field-work of that name, in Henrico County, eight miles from the city of Richmond, facing on the road from that city to Varina, or Acken's landing, on the James River.

It is nearly a square, and contains about one acre. It is divided into four equal divisions of one hundred and forty-five graves each, by two avenues nine feet wide, crossing each other at right angles. An avenue twelve feet wide extends around the grounds, within the inclosure. In the center of the plot is a circle thirty feet in diameter, on which a flag-staff has been erected.

It is inclosed with a substantial picket fence with cedar posts, and a neat gate of entrance, whitewashed, opening on the Varina road. A lodge has been erected near the gate of entrance. The avenues and walks are only partially graveled. The graves are all sodded, and have headboards painted white, and properly lettered. The drainage is good. There are a few trees in the grounds.

The interments number eight hundred and fourteen, (814,) of which number four (4) officers, one hundred and sixty-three (163) white soldiers, eleven (11) sailors, and sixty-one (61) colored soldiers are known, and twelve (12) officers, three hundred and ninety-five (395) white soldiers, one (1) sailor, and one hundred and sixty-seven (167) colored soldiers are unknown. The bodies were removed from the battle-fields of Fort Harrison and Gilmore, and from the farms within a region of five miles; in all, from about forty different places.

The expenditures amount to \$9,896 80. The expenditures were made by Brevet Lieutenant Colonel J. M. Moore, quartermaster. William Wright, a discharged private of Company D, First regiment of Pennsylvania reserves, is the superintendent, whose appointment is dated August 6, 1867. He is attentive to his duties, and has the cemetery in excellent order.

Glendale cemetery.—Inspected October 26, 1868.

This cemetery takes its name from the farm upon which a major general established temporarily his headquarters, and from which he dated his dispatch, giving an account of the conflict which took place on Frazier's farm.

It is situated southeast of the city of Richmond fifteen miles, and about two miles from Malvern Hill, in Henrico County, and fronts on a road leading to the Richmond road. It is in the form of a square, and contains two and one-tenth acres. It is divided into four equal divisions of one hundred and sixty-two graves each, by two avenues nine feet wide, crossing each other at right angles. In the center is a circle thirty feet in diameter, on which a flag-staff has been erected.

In the divisions the graves are arranged in nine circles parallel to the center circle, and exterior to them is a circular avenue nine feet wide. This arrangement gives four spaces at the angles of the square for ornamentation.

It is inclosed with a substantial paling fence with cedar posts, and a neat gate of entrance, whitewashed, opening on the Quaker road. A lodge has been erected near the gate of entrance. The avenues and walks are but slightly graveled. The graves are all sodded, and have headboards painted white and properly lettered. There are some young trees in the grounds.

The interments number eleven hundred and eighty-nine, (1,189,) of which number four (4) officers, two hundred and twenty-six (226,) white soldiers, and six (6) colored soldiers are known, and three (3) officers, nine hundred and forty-six (946) white soldiers, and four (4) colored soldiers are unknown. The bodies were removed from Frazier's and other farms, from Malvern Hill, and from Harrison's Landing, on the James River, in all from forty different places within a region of fifteen miles.

The expenditures amount to \$12,638 92. The expenditures were made by Brevet Lieutenant Colonel J. M. Moore, quartermaster. Amos J. Potter, a discharged corporal of the 126th regiment New York volunteers, is the superintendent, whose appointment is dated August 6, 1867. He is attentive to his duties, and has the cemetery in good order.

Poplar Grove cemetery.—Inspected October 27, 1868.

This cemetery is situated four miles south of the city of Petersburg, in Dinwiddie County, one mile west of the Petersburg and Weldon railroad. It is within the second line of field-works established by the United States troops, near the left of the position, and is on the campground of the fiftieth regiment of New York engineers, who erected a very neat rustic chapel within the camp. This chapel and a grove of small pines, by which it was surrounded, no doubt caused the selection of the ground for the cemetery, together with the fact that the final conflict took place near the spot—the capture of Fort Gregg, which caused the retreat of the rebel troops under General Lee.

The chapel, in a decayed state, has been taken down; and the young pines, from the necessity of cutting their roots in digging the graves, have nearly all died. One-half of the ground is rolling; the other half is flat, giving indifferent drainage. It derives its name from a spring half a mile distant, and a little church called Poplar Grove Church. Better far to have selected ground on the right of the federal lines, on high ground overlooking the city of Petersburg, say at Fort Stedman or Morton, or Friends House, the headquarters of Major General Meade.

The ground, as originally selected, contained seven and two-hundredths acres; but this not proving sufficient, it was enlarged, so that now it contains eight and thirteen-hundredths acres. It is now an irregular figure of eight sides.

The ground is very tastefully arranged in unequal burial sections by serpentine avenues ten and eight feet wide, with an exterior and other drives twelve feet wide. In the center is a circle with a mound thirty feet in diameter, on which a flag-staff has been erected.

It is inclosed with a substantial picket fence, with cedar posts and gate, whitewashed and in good order. A very indifferent lodge has been erected. The avenues and walks are all graveled. All the graves but two hundred of recent interments have been sodded, and all have headboards except one hundred and forty-five of recent interment, painted white and properly lettered. The drainage is not good, and repairs to the gutters are necessary. Trees and shrubbery are required.

The interments number five thousand nine hundred and nine, (5,909,) of which number fifty-nine (59) officers, nineteen hundred and twenty-two (1,922) white soldiers, three (3) sailors, sixty (60) colored soldiers, four (4) employés, and two (2) citizens are known; and twenty-four (24) officers, three thousand six hundred and nine (3,609) white soldiers, and two hundred and twenty-six (226) colored soldiers are unknown. It is estimated that two hundred are yet to be removed. The bodies were removed from the lines around the city of Petersburg, Dinwiddie Court House, and Ream's Station, in Dinwiddie County, Harrison's Landing, in Charles City County, along the James River, and from the city of Lynchburg, in Campbell County. In all, from eight counties, at a maximum distance of one hundred and twenty-five miles.

The expenditures amount to \$195,998 87. The expenditures were made by Colonel Cadwallader, Brevet Lieutenant Colonel J. M. Moore, quartermaster, and Brevet Colonel A. P. Blunt, assistant quartermaster. August Miller, a discharged first sergeant, First Regiment of Cavalry, is the superintendent, whose appointment is dated August 6, 1867. He is attentive to his duties, and has the cemetery in good order.

City Point cemetery.—Inspected October 27, 1868.

This cemetery is situated on the south bank of the Appomattox River, about one mile from City Point, in Prince George County. It is distant from the Fredericksburg and City Point road nineteen hundred and thirty-four feet, to which a road twenty-five feet wide, from the gate of entrance on the east side, had to be made, and which must be maintained. A better selection could have been made nearer the town, on the road referred to, at perhaps no greater expense, and the construction of the government road avoided. The plot is in the form of a parallelogram, with a projecting semicircle on the east front, and contains nearly six and a half acres.

It is divided into six divisions of four sections each, by avenues of fifteen, ten, and six feet wide, crossing each other at right angles, and contains four thousand two hundred and thirty-six graves. There are no graves in the projecting semicircle, in the center of which a lodge has been erected. There are two circles within the grounds, fifty feet in diameter, with mounds, on one of which a flag-staff has been erected, and on the other a handsome monument of white marble, about twenty feet high, erected to the lamented dead of the army of the James.

It is inclosed with a substantial paling fence, with cedar posts and

neat gate, whitewashed. The avenues and walks are all graveled. The graves are all sodded, and have headboards painted white and properly lettered. The ground falls in every direction from the center of the plot, and the drainage is good. There are some few trees within the grounds.

The interments number five thousand one hundred and fifty-six, (5,156,) of which number twenty-eight (28) officers, two thousand nine hundred and thirty-seven (2,937) white soldiers, six (6) sailors, and seven hundred and eighty-two (782) colored soldiers are known, and eight hundred and sixteen (816) white soldiers, and five hundred and eighty-seven (587) colored soldiers are unknown. There are also one hundred and eighteen (118) rebel soldiers interred in the ground. The bodies were removed from the burial-places of the different hospitals and corps of the armies of the Potomac and James, near twelve hundred from the Point of Rocks, in Chesterfield County, and a few from Harrison's Landing, in Charles City County.

The expenditures amount to \$61,512 04. The expenditures were made by Colonel Cadwallader, Brevet Lieutenant Colonel J. M. Moore, quartermaster, and Brevet Colonel A. P. Blunt, assistant quartermaster. John Delacroy, a discharged first lieutenant of the twentieth regiment New York volunteers, is the superintendent, whose appointment is dated June 1, 1868. He is attentive to his duties, and has the cemetery in good order.

Hampton cemetery.—Inspected November 29, 1868.

This cemetery is situated in Elizabeth City County, between Fort Monroe and the town of Hampton, about one mile distant from the fort. It is an irregular figure of straight and curved lines, and contains a little upward of eleven and a half acres. It is divided into seven sections by avenues, twenty and fourteen and a half feet wide. An exterior avenue within the inclosure extends around the entire grounds. Between every double row of graves there are narrow paths. Near the center is a circle seventy-four feet in diameter, including the walk around it. At the time of inspection the materials for a handsome monument had been received at Fort Monroe, to be erected in the center of the circle. The monument has since been erected, and to the untiring energy and perseverance of Miss Dix, in raising the necessary funds, the success of the measure is justly due. There is also a circle on the main avenue leading from the gate of entrance, on which a flag-staff has been erected. A neat chapel, built by the New York Home Missionary Society, is within the grounds in a section near the gate, furnished with a good library. A lodge has been erected near the gate of entrance.

It is inclosed with a substantial paling fence, with yellow-pine posts and neat gate, whitewashed. The walks are all graveled. Owing to the lightness of the soil no mounds have been made over the graves. Grass-seed has been sown over them. All the graves have been furnished with headboards properly lettered. The ground is nearly level; but proper gutters having been constructed, the drainage is good. The ground in the sections around the chapel and lodge is tastefully laid out and planted with shrubbery.

The interments number five thousand one hundred and twenty-two, (5,122,) of which number twenty-five (25) officers, three thousand five hundred and nineteen (3,519) white soldiers, sixty-six (66) sailors, nine

hundred and eighty-five (985) colored soldiers, seventeen (17) employés, and thirty-five (35) citizens are known, and four hundred and two (402) white soldiers, six (6) sailors, fifty-seven (57) colored soldiers, and ten (10) citizens are unknown. The interments were principally made from the general hospitals at and near Fort Monroe. Bodies were removed from the burial-ground of the military post of Fort Monroe, and from Big Bethel, in Elizabeth City County, Newport News, in Warwick County, Jamestown, in James City County, Craney Island, Deep Creek, Norfolk, Portsmouth, Blackwater, in Norfolk County, Smithfield, in Isle of Wight County, Suffolk, in Nansemond County, and Cherry Stone, in Northampton County, in a region of country from five to thirty-eight miles distant.

The expenditures amount to \$52,188 45. The expenditures were made by Brevet Lieutenant Colonels J. M. Moore, quartermaster, and H. W. James, assistant quartermaster. James Browning, a discharged principal musician of the Fifth Regiment of Artillery, is the superintendent, whose appointment is dated August 6, 1867. He is attentive to his duties, and has the cemetery in good order.

Yorktown cemetery.—Inspected October 28, 1868.

This cemetery is situated about half a mile south of Yorktown, in York County, fronting on the Yorktown and Williamsburg road. It is in the form of nearly a square, and contains two acres two roods and twenty-one rods.

It is divided into four equal sections, containing three hundred and ninety-nine graves each, by two avenues, ten feet wide, running from the center of the sides of the plot, and crossing each other at right angles. There are also two narrow spaces on each side of the main entrance for mounds, five and a half feet high, for shrubbery. Around the plot within the fence is an avenue two feet wide. In the center is a circle thirty feet in diameter, on which a flag-staff has been erected. Near the gate of entrance, opening on the Williamsburg road, a lodge has been erected.

It is inclosed with a substantial paling fence, with cedar posts and neat gate, whitewashed. The walks are covered with marl. The graves are sodded and have headboards painted white and properly lettered. The drainage is good. Trees and shrubbery are necessary to ornament the grounds.

The interments number twenty-one hundred and eighty, (2,180,) of which number eleven (11) officers, seven hundred and sixteen (716) white soldiers, four (4) sailors, six (6) colored soldiers, and eight (8) citizens are known, and two (2) officers, fourteen hundred and twenty-two (1,422) white soldiers, five (5) colored soldiers, and six (6) citizens are unknown. Besides the burials at the cemetery, bodies were removed from Williamsburg, in James City County, and altogether from twenty-seven different places in the surrounding country, within a distance of fifty miles.

The expenditures amount to \$33,047 57. The expenditures were made by Brevet Lieutenant Colonel J. M. Moore, quartermaster, and H. W. James, assistant quartermaster. Edward Robason, a discharged quartermaster sergeant of Company F, Forty-fourth Regiment of Infantry, is the superintendent, whose appointment is dated August 6, 1867. He is attentive to his duties, and has the cemetery in good order.

Recapitulation of interments in Virginia.

Cemeteries.	White.										Colored.			Estimated No. to be removed.	Aggregate.	
	Known.					Unknown.					Soldiers, known.	Soldiers, unknown.	Total.			
	Officers.	Soldiers.	Sailors.	Employés.	Citizens.	Officers.	Soldiers.	Sailors.	Employés.	Citizens.						Total.
Arlington	45	6,979	2	552	58	1	2,847	....	84	....	11,568	175	229	404	....	11,972
Alexandria	4	3,201	....	11	7	1	91	....	....	....	3,315	243	6	249	....	5,364
Ball's Bluff .....	....	1	....	....	....	....	53	....	....	....	54	....	....	....	....	54
Winchester	53	2,030	....	1	12	9	2,263	....	....	....	4,368	3	6	9	....	4,377
Staunton	12	219	....	....	....	4	514	....	....	....	749	....	....	....	....	749
Culpeper	19	428	....	....	....	....	880	....	....	....	1,327	....	....	....	40	1,367
Danville	4	1,121	4	2	2	....	131	....	....	....	1,264	37	11	48	....	1,312
Fredericksburg	98	2,309	4	2	....	35	12,671	....	....	....	15,124	2	2	4	....	15,128
Richmond	18	783	2	6	3	....	5,498	....	....	6	6,316	13	....	13	10	6,329
Cold Harbor	46	630	....	....	....	5	1,242	....	....	....	1,923	....	....	....	....	1,923
Seven Pines	7	143	....	....	....	29	1,171	....	1	....	1,357	....	7	7	....	1,358
Fort Harrison	4	163	11	....	....	12	395	1	....	....	586	61	167	228	....	814
Glendale	4	226	....	....	....	3	946	....	....	....	1,179	6	4	10	....	1,189
Poplar Grove	59	1,922	3	4	2	24	3,609	....	....	....	5,623	60	226	286	200	6,109
City Point	28	2,937	6	....	....	....	816	....	....	....	3,787	782	587	1,369	....	5,156
Hampton	25	3,519	66	17	35	....	402	6	....	10	4,080	985	57	1,042	....	5,122
Yorktown	11	716	4	....	8	2	1,922	....	....	6	2,169	6	5	11	....	2,180
Total	437	27,327	102	595	127	125	35,956	7	85	22	64,783	2,373	1,367	2,680	250	68,713

STATE OF WEST VIRGINIA.

There is but one national cemetery in this State, that at Grafton.

Grafton cemetery.—Inspected June 30, 1868.

This cemetery is situated a short distance west of the town of Grafton' in Taylor County, between the Parkersburg branch of the Baltimore and Ohio railroad and a county road leading to the town, fronting toward the road.

It is a rectangle, four hundred feet by three hundred and ninety-five feet, and contains three and a half acres. It is on a rather steep hill-side, which rendered it necessary to form the ground into three broad terraces with heavy slopes from one to the other. It is divided into four equal divisions by two avenues twelve feet wide, crossing each other at right angles, with a circle in the center twenty feet wide, on which a flag-staff has been erected. These divisions are subdivided by paths six feet wide into sixteen sections. Around the grounds, inside of a border, within the fence, is a walk six feet wide.

The cemetery is inclosed with a substantial paling fence and neat gate of entrance, whitewashed. A lodge has been erected on the upper terrace near the gate. On both sides of the main avenue, on the upper terrace, there are no graves, the lower terraces having been found sufficient for all the bodies removed to the place. The estimate of space necessary was correct, but a number of bodies originally designed to be removed hither from the Big Sandy River, the border line of Kentucky, were at less expense taken to New Albany, Indiana.

The walks are not graveled but properly secured. The graves are sodded, and are furnished with headboards painted white and lettered in black. A number of forest trees have been set out. The drainage is

perfectly good, the water falling on the terraces being carried to the foot of the slopes, and from thence conducted out of the grounds and under the railroad to the river. On the front, outside the inclosure, a well graveled road has been made connecting with the county road leading to the town, with a deep gutter, which prevents the water flowing from the hill from entering the cemetery.

The interments number twelve hundred and fifty-four, (1,254,) of which number ten (10) officers, six hundred and eighteen (618) white soldiers, five (5) employés, and three (3) citizens are known, and eight (8) officers, six hundred and eight (608) white soldiers, and two (2) employés are unknown. The bodies were removed from Wheeling, in Ohio County, and from various places in the State, and in Kentucky, within a circuit of two hundred miles. The expenditures amount to \$79,664 43. The expenditures were made by Brevet Brigadier General J. C. McFerran, deputy quartermaster general; Brevet Lieutenant Colonel J. M. Moore, quartermaster, and Brevet Colonel A. P. Blunt, assistant quartermaster. At the date of inspection, Robert V. Fitzgerald, a discharged private of Company I, Forty-second Regiment of Infantry, was the superintendent, whose appointment was dated June 1, 1868. He has been discharged, and the present superintendent is James Murphy, a discharged private of Company H, Fourteenth Regiment of Michigan volunteers, whose appointment is dated November 5, 1869. I cannot, therefore, report respecting him, but take it for granted he is competent and attentive to his duties. The cemetery was in excellent order.

NORTH CAROLINA.

There are four national cemeteries in this State, viz: at Salisbury, Raleigh, Newbern, and Wilmington.

Salisbury cemetery.—Inspected November 1, 1868.

This cemetery is situated one-half of a mile southwest of Salisbury, Rowan County, one hundred and thirty-two (132) miles west of Raleigh, the capital of the State, on the North Carolina railroad. In the year 1863, Salisbury was designated by the rebel authorities as a place for the incarceration of Union prisoners of war. The prison pen was built on the edge of the town, and was not of sufficient area to comfortably accommodate the prisoners of war sent to that place. All trace of it had been swept away when I made my first inspection in October 24, 1867, and I could not judge of the manner in which the men were quartered. The true guide to this may be found in the frightful destruction of life, the number showing a total disregard on the part of the rebel authorities to the actual and pressing wants of the unhappy prisoners. Little or no shelter against the rains of winter and broiling sun of summer soon had their effect, prostration, disease, and death. The number of deaths cannot now be truly ascertained, as the records cannot be found, but it was in frightful proportion to the number crowded into the prison-pen and hospitals.

The cemetery is situated on a small hill in which the Union soldiers were buried in eighteen trenches, averaging two hundred and forty feet in length, parallel to each other. Outside of the rude inclosure were a number of graves, and the recommendation I made to enlarge the ground so as to include these graves and other bodies which might be removed from other points has been complied with. The cemetery now contains two and a half acres, and is inclosed with a substantial picket fence and

gateway, whitewashed. Around the cemetery is an avenue eleven feet in width, with walks of five feet in width. In the trenches it is estimated there are eleven thousand seven hundred (11,700) bodies, all unknown. There are also four hundred and twelve (412) bodies in separate graves buried by the general government, making a total of twelve thousand one hundred and twelve, (12,112,) of which number three (3) officers and eighty-two (82) white soldiers are known, and twelve thousand and twenty-seven (12,027) white soldiers are unknown. To have buried this large number in such a limited space shows that in the trenches they were placed one above another. Some few were buried in coffins, as I ascertained by opening two of the trenches; but the great mass were not. It was stated that Major Gee the commander of the place used what plank was at his control for coffins, but that his requisitions for additional plank for this purpose were disregarded by the rebel authorities. The record of his trial after the rebellion, acquitting him of the charge brought against him shows, I think, this fact.

To protect the trenches a rough stone curb has been placed around each one, one (1) foot high and one (1) foot broad, and mounds raised above the curb ten inches, on which grass-seed was to have been sown; but the soil being light the rains have washed off these mounds into the spaces between them, rendering the curb invisible. These mounds should be made level with the top of the curb, and the spaces between covered with Bermuda grass. The single graves are in three plots, divided by walks five feet wide, and have headboards. A mound of twenty-four feet base and ten feet high has been made and a flag-staff erected. The avenues and walks are graveled. The drainage is not good, but steps have been taken to remedy the defect. A lodge has not been erected, but proposals were issued for one. Trees and shrubbery are needed. The road leading to the cemetery from the railroad crossing at the edge of the city was not in good order. A more substantial bridge is needed over the small stream near the cemetery.

Beside the burials from the prison-pens and hospitals, bodies have been removed and reinterred from Lexington forty miles distant, from Charlotte forty miles, from Morgantown eighty miles, and from along the line of the Western railroad.

The ground has not been purchased, The price of land in the vicinity varies from five to fifty dollars per acre.

The expenditures amount to \$9,171. The disbursements were made by Brevet Major General R. O. Tyler, deputy quartermaster general. M. I. Hewston, a discharged private of Company A, First battalion, Thirteenth Regiment of Infantry, is superintendent, whose appointment is dated March 23, 1869.

Raleigh cemetery.—Inspected October 31, 1868.

This cemetery is situated one mile east of the city of Raleigh, capital of the State, in Wake County, near the corporate limits, on land belonging to the city or the State, and contains five and three-fourths acres. It faces on city property with a road in front. It has not been purchased. The price of land in the vicinity varies from fifty (50) to one hundred (100) and five hundred (500) dollars per acre.

It is a rectangle five hundred and twenty-five (525) feet by three hundred and ninety-seven (397) feet, and is divided into twenty-three squares, the center one containing a mound and flag-staff. The mound is too small and should be enlarged. The sections are divided by walks five and ten feet wide, and an avenue of ten feet extends around the exte-

rior of the ground. The walks are imperfectly graveled. Some portions of the main avenue have been graveled by the superintendent. It is inclosed with a rough five-barred fence, with cedar posts, which requires whitewashing. The gateway is an indifferent one. A frame building with kitchen has been erected for a lodge, at a cost of eight hundred dollars. It requires painting. A well, twenty-nine feet deep, has been made, affording good water.

The interments in the sections are made by States as far as possible. The fourteen States represented are: Maine, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Kentucky, Iowa, Michigan, and Wisconsin, besides two sections of regulars and colored troops. There are four sections containing unknown bodies, and two are vacant.

The interments number eleven hundred and forty-eight, (1,148,) of which number five hundred and fifty-seven (557) white, and nineteen (19) colored soldiers are known, and thirteen (13) officers, five hundred and forty-two (542) white, and seventeen (17) colored soldiers are unknown. The bodies were brought from Averysboro, Harnett County; Smithville, Brunswick County, twenty-six miles; Bentonville County, fifty miles; Goldsboro, Wayne County, forty-eight miles; Greensboro, Guilford County; Franklinton, Franklin County; and Henderson, Granville County. The graves are furnished with headboards properly lettered, and are all sodded. The drainage is not very good. Stone tunnels and drains are required. There are a number of trees and shrubbery in the grounds, but more trees are required. The place was not in very good order. The grass was high and required cutting. Since the inspection, I have learned that through the active exertions of the superintendent, a considerable improvement has taken place.

The cost of the cemetery was \$13,346. The disbursements were made by Brevet Major General R. O. Tyler, deputy quartermaster general. G. A. Dichtl, a discharged sergeant of Company A, Forty-second Regiment of Infantry, is the superintendent, whose appointment is dated June 1, 1868. He takes pride in the cemetery, and is active in the discharge of his duties.

Newbern cemetery.—Inspected November 2, 1868.

This cemetery is situated about one mile northwest of the railroad depot of the Atlantic and North Carolina railroad, in the city of Newbern, Craven County, and contains over seven acres. It is in the form of a rectangle, eight hundred and twenty-five feet by four hundred feet. It fronts on Johnson's Creek road, and the whole ground has now been inclosed with a neat paling fence, whitewashed. The entrance gate is on the Johnson's Creek road, in the center of the plat.

The reservation for the keeper's lodge is four hundred feet by two hundred and forty-nine, in which has been erected a lodge, thirty-two feet by eighteen feet. A detached kitchen, sixteen feet by twelve feet, also a tool-house, twenty feet by twelve feet. There is also a well, with tube pump.

The burial portion is divided into two equal parts, by an avenue of sixteen feet in breadth, and the ground into eighteen equal sections of one hundred and seventy-six feet by forty-eight feet, and these sections are divided by avenues of sixteen feet in breadth, with an exterior avenue around the plat of the same width. The distance between the headboards in one direction is nine feet two inches, and in the other three feet.

The walks are not graveled, but covered with grass peculiar to the climate. Gravel would have to be brought from Hatteras, a distance of ninety-five miles.

The interments number three thousand two hundred and forty, (3,240,) of which number twenty-two (22) officers, seventeen hundred and twenty-six (1,726) white soldiers, one hundred and thirty (130) sailors, two hundred and nine (209) colored soldiers, ninety-two (92) employes, and four (4) citizens are known; and one (1) officer, seven hundred and ninety-six (796) white soldiers, forty-nine (49) sailors, one hundred and ninety-five (195) colored soldiers, and sixteen (16) employes are unknown.

Besides the number originally buried in the cemetery, bodies were removed from two cemeteries in Newbern, the Newbern battle-field, and its vicinity; Bachelors' Creek, the cemetery at Beaufort, Carteret County; Morehead cemetery and vicinity, Carolina, Newport and Portsmouth, Carteret County; Kingston and Kingston battle-field, twenty-nine (29) miles; Hatteras, Hyde County, ninety (90) miles; Roanoke Island, Tyrrel County, one hundred and thirty (130) miles; Plymouth, Washington County, ninety (90) miles by water; Edenton, Chowan County, ninety (90) miles by water; Elizabeth City, Pasquotank County; Washington, Beaufort County, one hundred and twenty (120) miles by water; Tuscarora and Wise's Fork.

The graves are covered with a natural growth of grass. All the graves have headboards properly lettered. The drainage is good. Trees and shrubbery are needed. The grounds are in excellent order.

The ground is owned by Mr. W. P. Moore, of the city of Newbern, who demanded from two hundred and fifty dollars to four hundred dollars per acre. The actual value of land in the vicinity is about fifty dollars per acre.

The cost of the cemetery was about \$35,000. It having been completed, nothing additional is required, except a small amount to make such improvements as may from time to time be required. The disbursements were made by Brevet Lieutenant Colonel J. D. Stubbs, assistant quartermaster of volunteers, Brevet Major General R. C. Tyler, deputy quartermaster general, and Brevet Captain F. H. Hathaway, Fortieth Infantry, acting assistant quartermaster. William Dougherty, a discharged sergeant of the One hundred and first regiment Pennsylvania volunteers, is the superintendent, whose appointment is dated August 31, 1867. I judge him faithful in the discharge of his duties.

Wilmington cemetery.—Inspected November 4, 1868.

This cemetery is situated two miles north of the city of Wilmington, in New Hanover County, fronting on a plank road, the west side bordering on a mill-pond, and contains five acres. It is nearly a rectangle, and is divided into two equal parts by an avenue from the gateway on the public road, fifteen feet wide. An avenue of the same width surrounds the grounds, within the fence. It is divided into eighty burial plats, by walks of four feet in breadth. A mound, sodded, thirty feet in diameter, is in the center of the ground, with a flag-staff. The walks are not graveled. They should either be set out with Bermuda grass, or covered with sea shells, which latter can be obtained in abundance at a distance of six miles.

It is inclosed with a neat paling fence with gateway, whitewashed. A lodge has been erected. A well or cistern is necessary.

The interments number two thousand and fifty-nine, (2,059,) of which

number six hundred and four (604) white soldiers, twelve (12) sailors, and seventy-one (71) colored soldiers are known; twelve (12) officers, twelve hundred and twenty-two (1,222) white, and one hundred and thirty-eight (138) colored soldiers unknown. The bodies were removed from the city of Wilmington; from Fort Fisher, forty miles distant; Fort Johnson, thirty miles distant; from Fayetteville, Cumberland County, one hundred and fifty miles; and from twelve miles along the Wilmington and Weldon railroad. Twenty States have dead in the cemetery. There are also the bodies of seven Union soldiers and seventy-one sailors.

The graves are all sodded, and they are furnished with headboards properly lettered.

The drainage is tolerably good, the fall of the ground toward the mill-pond having been protected by slopes, but more permanent drains will eventually be necessary.

About one hundred and ninety forest trees were set out, and one hundred and ten are growing finely. I have to report that the feeling of the community is not favorable to the cemetery, and shrubbery, though abundant, cannot be obtained except at high prices. I was informed that, at one time, it was contemplated to discontinue the public road on which the cemetery fronts, and locating it in a different direction, but I judge the people owning land on this highway prevented the measure, if seriously contemplated. Certain it is that the bridge on the road over the mill-dam is suffered to go to decay. The bridge, however, being more distant from Wilmington than the cemetery, does not affect the travel to the cemetery.

I regret to report that the situation, owing to its location on the borders of a marsh and mill-dam, has proved to be unhealthy. I found the superintendent suffering with chills and fever.

The cost of the cemetery was \$16,315. The disbursements were made by Brevet Major General R. O. Tyler, Deputy Quartermaster General. Matthew Dellingham, a discharged sergeant of Company K, Sixth Regiment of Infantry, is the superintendent, whose appointment is dated October 31, 1867. He appears to be attentive to his duties.

Recapitulation of interments in North Carolina.

Cemeteries.	White.										Colored.			Aggregate.
	Known.					Unknown.				Total.	Known soldiers.	Unknown soldiers.	Total.	
	Officers.	Soldiers.	Sailors.	Employés.	Citizens.	Officers.	Soldiers.	Sailors.	Employés.					
Salisbury	3	82	.....	.....	.....	.....	12,027	.....	.....	12,112	.....	.....	.....	12,112
Raleigh .....	.....	557	.....	.....	.....	13	542	.....	.....	1,112	19	17	36	1,148
Newbern	22	1,726	130	92	4	1	796	49	16	2,836	209	195	404	3,240
Wilmington .....	.....	604	12	.....	.....	12	1,222	.....	.....	1,850	71	138	209	2,059
Total	25	2,969	142	92	4	26	14,587	49	16	17,910	299	350	649	18,559

SOUTH CAROLINA.

There are two national cemeteries in this State, viz: at Florence and Beaufort. Originally there were five, but those at Charleston, Morris

Island, and Hilton Head, have been discontinued, and the bodies removed to Beaufort.

Florence cemetery.—Inspected November 5, 1868.

This cemetery is situated one and a half mile southeast of the town of Florence, in Darlington District, and a half mile from the main road leading to Charleston. As yet no road has been made for the latter distance, and only a pathway passing through an old field.

Florence was designated by the rebel authorities as a place for the incarceration of Union prisoners of war, and near the town a stockade was erected. Two burial-places were made, but since the termination of the rebellion the bodies from the smaller one of the two have been removed to the larger, and all are now within one inclosure.

The cemetery is a rectangle, four hundred and two feet by four hundred feet, and contains four acres. It is divided into four divisions by avenues of twenty-two feet width, with an exterior drive averaging fifteen feet in width. In the center is a mound, thirty feet in diameter and ten feet high, on which a flag-staff has been erected. It is inclosed with a four-bar fence, with a neat small gateway, whitewashed. There is no lodge, but steps have been taken to erect one of brick. There is a well of good water.

In two of the divisions the burials were made by the rebel authorities in trenches, and these bodies are without coffins. These divisions contain each eight trenches, fourteen feet apart, and two rows of graves. The other two divisions contain the bodies removed by the general government from the smaller of the two burial-places, half a mile distant, and from Darlington, Cheraw, and Marion Districts of deaths from the Union troops there stationed. These latter are buried in coffins and have separate graves. Each division contains ten rows of graves, one containing two hundred and seventy-eight, the other two hundred and fifty-nine.

All the graves have headboards properly lettered. Nearly all the graves are covered with a coarse native grass. The avenues and walks are kept clean. They are not graveled, nor can any gravel be obtained. The drainage is sufficient, and the soil being sandy, water is soon absorbed. There are a few trees within the inclosure.

The interments number two thousand seven hundred and ninety-six, (2,796,) of which number one (1) officer, two hundred and twenty-eight (228) white soldiers, and four (4) citizens are known; two thousand five hundred and sixty-three (2,563) white soldiers unknown.

The ground has not been paid for. Land in the vicinity is worth about ten dollars per acre.

The cost of the cemetery was \$6,553. The expenditures were made by Brevet Major General R. O. Tyler, deputy quartermaster general. R. M. Sattes, a private of Company D, Forty-fifth Regiment of Infantry, is the superintendent, whose appointment is dated September 29, 1868. He was absent when the inspection was made. I judge he is faithful in the discharge of his duties, as the cemetery was in excellent order.

Beaufort cemetery.—Inspected November 9, 1868.

This cemetery is situated a short distance west of the town of Beaufort, on Port Royal Island, Beaufort District, facing on a public road. Since the last inspection it has been considerably enlarged, to contain the bodies removed from the cemeteries at Charleston, James Island,

and Hilton Head; also from Savannah, Georgia, and several places in Eastern Florida. It is a rectangle, fifteen hundred feet by ten hundred and fifty, and contains seven and a half acres, which is larger than necessary. It was purchased from the United States district tax commissioners. The price of land in the vicinity ranges from ten to fifty dollars per acre.

It is very tastefully laid out; it is inclosed with a paling fence and neat gateway whitewashed. Within the fence is a border of twenty feet for shrubbery, then a drive of thirty feet wide. By the gateway is three-fourths of a circle one hundred and three feet by fifty-three, from which five main avenues radiate of thirty feet breadth, and six smaller ones of twelve feet. The long sections are subdivided into convenient burial lots, by six parallel curves. Near the gateway, in the three-fourths of a circle, is a mound of ten feet, on which is erected a flag-staff. There are four pumps in the ground at convenient distances from each other; also, a hose to water the ground.

The ground is nearly level, and the drainage not very good, but the soil being light, water soon soaks up, except in two low spots, which should be filled up.

The interments number nine thousand and eighty-one, (9,081,) of which number eighty-four (84) officers, three thousand one hundred and twenty-one (3,121) white soldiers, ninety-one (91) sailors, seven hundred and ninety-five (795) colored soldiers, twenty-seven (27) employés, and nineteen citizens, are known, and three thousand three hundred and fifty-three (3,353) white soldiers, one hundred and nine (109) sailors, nine hundred and fifty (950) colored soldiers, and thirty-two employés are unknown.

The bodies were removed from several places in Eastern Florida, about two hundred miles; from Savannah, Georgia, sixty miles; from Charleston, seventy miles; from Georgetown, one hundred and fifty miles; from Morris's Island, sixty-five miles; from Hilton Head, fifteen miles; and from the islands adjacent to Beaufort.

The graves are pretty well covered with natural grass. They are furnished with headboards, painted white and lettered black. The avenues and walks are nearly all covered with sea shells, and in a short time all will be thus covered, taking eighty-seven thousand five hundred and sixty (87,560) bushels; the cost, at six cents per bushel, being five thousand two hundred and fifty-three dollars and sixty cents, (\$5,253 60.) Shrubby and trees in abundance can readily be obtained.

A very neat granite monument has been erected in the main avenue of the cemetery, through the exertions of Mrs. S. Y. Potter, having on its front face the inscription: "Immortality to hundreds of defenders of American liberty against the great rebellion. Erected by the efforts of Mrs. S. Y. P." There is also erected by the same lady a large and neatly executed marble slab, on which is recorded the names of one hundred and seventy-five soldiers from eighteen States, viz: Maine, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, North Carolina, Alabama, Indiana, Ohio, Kentucky, Illinois, Iowa, Wisconsin, Minnesota, and Michigan.

On the opposite side of the public road, facing the main gateway, a very neat lodge of wood has been erected, with an inclosure of two acres.

I regret to report that the place is unhealthy. I found the superintendent and all his children sick with chills and fever.

The expenditures amount to \$64,548 90. The expenditures were made by Brevet Major General R. O. Tyler, deputy quartermaster general.

George Griffin, a discharged captain of the First District of Columbia cavalry, is the superintendent, whose appointment is dated August 31, 1867. He is very attentive to his duties, and the cemetery is in good order.

Recapitulation of interments in South Carolina.

Cemeteries.	White.									Colored.			Aggregate.
	Known.					Unknown.			Total.	Soldiers known.	Soldiers unknown.	Total.	
	Officers.	Soldiers.	Sailors.	Employés.	Citizens.	Soldiers.	Sailors.	Employés.					
Florence.....	1	228	.....	.....	4	2,563	.....	.....	2,796	.....	.....	.....	2,796
Beaufort.....	84	312	91	27	19	3,853	109	32	7,336	795	950	1,745	9,081
Total	85	3,349	91	27	23	6,416	109	32	10,132	795	950	1,745	11,877

STATE OF GEORGIA.

There are two cemeteries in this State, viz., at Marietta and Andersonville.

Marietta cemetery.—Inspected November 16, 1868.

This cemetery is situated on the east side of the city of Marietta, within its corporate limits, in Cobb County, distant from the Western and Atlantic railroad twenty-one hundred feet. It contains within the inclosure twenty-four and three-fourths acres, with an exterior space on its four sides of twenty feet, making in all twenty-five acres. It is beautifully situated in a grove of oak trees, on high rolling ground, and near the center is an oval mound on which is erected a flag-staff. Advantage has been taken of the peculiar feature of the ground to make serpentine avenues and walks, which gives a number of irregular sections for burial purposes. The plot is in the form of a rectangle, and is inclosed with a paling fence with a gate at the northwest corner, on Cole street, all whitewashed.

The graves are arranged in the sections in double rows, with walks of four feet between, and main walks of six feet. Most of the walks are covered with broken stone and gravel. Such of the avenues, which are twenty feet wide, as are completed are macadamized in the same manner. Four or five hundred yards on the east side of the plat remain to be completed. These walks and avenues are protected with gutters of stones which carry off the water in the finished parts, but in the unfinished portion the drainage is not good, and the ground being a light, sandy soil, washes with heavy rain.

A lodge, in the open space near the main gate, will be constructed at a cost of eighteen hundred and fifty dollars. There are two wells of good water in the grounds.

The interments number nine thousand nine hundred and eighty-five, (9,985,) of which number two hundred and twenty-five (225) officers, six thousand five hundred and ninety-two (6,592) white soldiers, one (1) sailor, one hundred and fifty-eight (158) colored soldiers, fourteen (14) employés, and five (5) citizens are known; sixteen (16) officers, two

thousand nine hundred and five (2,905) white soldiers, sixty-seven (67) colored soldiers, one (1) employé, and one (1) citizen are unknown. Eight (8) of these bodies, all known, were disinterred and sent North, leaving nine thousand nine hundred and seventy-three, (9,973.)

These bodies were removed in Georgia, from Augusta, Richmond County, one hundred and ninety-one miles distant; Atlanta, Fulton County, twenty miles; Dahlonega, Lumpkin County, seventy-five miles; Dalton, Whitfield County, one hundred miles; Rome, Floyd County, seventy-nine miles; and from the commanding country in a circumference of two hundred miles; likewise from the national cemetery at Montgomery, Montgomery County, Alabama, one hundred and ninety-five miles, which cemetery has been discontinued. Five or six bodies are yet to be removed.

In the center section, on the eastern slope of the center hill, which is fully completed and well protected, the ground is well covered with Bermuda grass, and such is the case in some of the other sections.

The graves of the bodies removed from Montgomery have headboards. Stakes six feet long, four inches broad, and two inches thick will mark the other graves and contain the number of the grave in the section, and the body can be ascertained by referring to the number on the register. The stakes are of chestnut and of pine. The former will last eighteen to twenty years, the latter ten years.

The twenty-seventh corps have erected a very neat marble monument, on which is inscribed the names of the battles in which it took part. There is also one of marble in memory of those who died in hospital.

At the time of my inspection, Brevet Major General Rufus Saxton received instructions from the Quartermaster General to discontinue macadamizing and graveling the avenues and walks, and to sow grass seed on them and over the graves. If these instructions are adhered to, it will be impossible to prevent heavy washes in the light, sandy soil, especially on the eastern slopes, containing the graves of those recently removed from Montgomery. In heavy rains the water washes out gullies over the graves, and in some cases these have to be filled up three and four times, and they are now numerous. Until permanent gutters are constructed to protect the soil, this will continue to be the case, and grass seed will be washed off. Stone in abundance can be obtained within a quarter of a mile, and an extensive gravel pit adjoins the cemetery. Section E, containing one thousand and two bodies, is fully completed, and will stand for many years. It is recommended that the unfinished sections be secured against injury in the same manner. This done, it will be classed with the most durable and beautiful of the national cemeteries.

The ground was donated to the general government by Mr. Henry G. Cole, who for his devotedness to the Union was incarcerated for several months in a rebel prison. He also contributed stone and gravel, likewise trees and shrubbery, and is ready to contribute what additional trees and shrubbery are needed to beautify the cemetery.

The expenditures amount to \$179,403 51. It will take four months with a full force to complete the cemetery. The expenditures were made previous to May 10, 1867, by Brevet Major W. A. Wainwright, assistant quartermaster, and since that date by First Lieutenant A. W. Corliss, 33d infantry, acting assistant quartermaster. James G. Hughes, a discharged sergeant of Battery F, Fifth Regiment of Artillery, is the superintendent, whose appointment is dated November 26, 1867. He is attentive to his duties.

Andersonville cemetery.—Inspected November 13, 1868.

This cemetery is situated about one mile northeast of the station at Andersonville, Sumter County, on the Southwestern railroad, extending from Macon to Eufaula, and is sixty miles from the former place. It was established by the rebel authorities for the burial of the Union prisoners confined in the prison pen near Andersonville.

It is in the form of a rectangle, and contains forty-three acres. It is now divided into four equal parts by two main avenues, thirty feet wide, crossing at right angles, with a drive around the ground within the inclosure of thirteen feet. In the center is a diamond plat for a flag-staff, of one hundred and twenty-two feet on its longest diameter. The flag-staff is prepared, but not yet erected. It is inclosed with a wooden fence fast going to decay. The gate is in the center of the southern boundary line. The road to the cemetery is well made, but requires stone or gravel to make it stand, and stone gutters at the sides, and already the spring rains have washed it considerably. A number of young oak trees have been set out on the sides of the avenues, which are growing finely.

The burials were made in trenches parallel to each other, in six sections, with spaces between five of the trenches of six feet, and walks between the sections of nine feet; the sixth section being distant from the others, in the northern part of the ground. Altogether there are eighty-five trenches. The bodies of those removed by the general government are in single graves, in three sections, in a separate division. The avenues and walks are clean and well kept, but are not graveled. The ground is a loose, sandy soil, and washes with the rains, the water running into two ravines near the center, and on the southeast and west of the inclosure, making deep gullies. The southern half of the plat falls east and west from the center; the northern half is level, part of which is rendered soft and boggy by every heavy rain.

To protect the sections containing the trenches and graves, the Quartermaster General instructed Brevet Major General R. Saxton, quartermaster, to surround them with guard-walls of brick, and make a small inclosure of brick, which would reduce the plat to about twenty acres. It would still be necessary to fill up the two ravines within the inclosure and make drains and gutters of brick. Means should also be taken to drain the low ground on the north side. As yet no lodge has been erected.

The interments number thirteen thousand seven hundred and five, (13,705,) of which number thirteen (13) officers, twelve thousand six hundred and forty-three (12,643) white soldiers, ninety-nine (99) sailors, and sixteen (16) colored soldiers are known; seven (7) officers, eight hundred and thirty-two (832) white soldiers, and ninety-five (95) colored soldiers are unknown.

The bodies were buried from the prison pen and hospital, and were removed, in Georgia, from Macon, Bibb County; Columbus, Muscogee County; Americus, Sumter County; Louisville, Jefferson County, from the line of the Central railroad; and in Alabama, Eufala, Barbour County; the greatest distance being one hundred and twenty-five miles. Some ten or twelve bodies are yet to be removed.

All the graves in the trenches, except two-thirds of the northeast and largest section, are thickly covered with Bermuda grass. The graves of the soldiers removed to the cemetery are not sodded. All have head-boards, painted white, and properly lettered in black. The ground was taken by the rebel authorities from Mr. B. B. Dykes.

Land in the vicinity is worth from three to five dollars per acre, partly, and perhaps chiefly, on account of the pine timber. On the cemetery plat there was no timber whatever when it came into possession of the United States.

The cost of the cemetery prior to November 1, 1867, is unknown; since that date, to November 1, 1868, it was \$25,658 11. The expenditures were made by First Lieutenant A. W. Corliss, 33d regiment of infantry, acting assistant quartermaster. Henry Williams, a discharged sergeant of Company E, Second Regiment of Cavalry, is the superintendent, whose appointment is dated November 26, 1867. He is attentive to his duties.

Recapitulation of interments in Georgia..

Cemeteries.	White.										Colored.			Estimated number to be removed.	Aggregate.
	Known.					Unknown.				Total.	Soldiers, known.	Soldiers, unknown.	Total.		
	Officers.	Soldiers.	Sailors.	Employés.	Citizens.	Officers.	Soldiers.	Employés.	Citizens.						
Marietta.....	225	6, 592	1	14	5	16	2, 905	1	1	9, 760	158	67	225	.....	9, 985
Andersonville.....	13	12, 643	99	...	...	7	832	....	....	13, 594	16	95	111	12	13, 717
Total.....	238	19, 235	100	14	5	23	3, 737	1	1	23, 354	174	162	336	12	23, 702

STATE OF FLORIDA.

In accordance with a previous recommendation, the naval cemetery on the naval reservation near Barrancas, in Escambia County, was enlarged by taking down the west brick wall and extending the ground, in order to afford room for the interment of Union soldiers, sailors, and marines. The cemetery now contains seven acres, in the form of a rectangle, entirely inclosed with a brick wall eight feet high. The main avenue, from the gate in the center of the south wall, of twenty feet width, has been extended through the addition, dividing it into two equal parts, the western half being allotted to the army; the eastern half, in lieu of the section in the old part appropriated by the army during the rebellion, to the navy.

The walks are not graveled, there being none in the vicinity; but the main avenues are covered with broken brick picked up in the vicinity, and the drainage is good.

A lodge has not been erected, and none may be needed if the superintendent can be quartered at the barracks at Barrancas.

The interments number thirteen hundred and ten, (1,310,) of which number twenty (20) officers, three hundred and seventy-five (375) white soldiers, twenty-eight (28) sailors, seven (7) marines, one hundred and fifty-four (154) colored soldiers, and fifty-three (53) citizens are known; ninety-five (95) white soldiers, two hundred and fifty (250) sailors, two hundred and seventy (270) colored soldiers, and fifty-eight (58) citizens are unknown. There are also interred in the cemetery seventy-two (72) rebel soldiers, of which number sixty (60) are known, and twelve (12) are unknown. Besides the original burials from the troops stationed at Barrancas and Fort Pickens, bodies were removed from Pensacola, nine miles distant; Bayou Chico, seven miles; Gunboat Point, three miles, in

Escambia County; Santa Rosa Island, East Pass, fifty miles, both in Santa Rosa County; Appalachicola, in Franklin County, one hundred and eighty miles, and Marianna, in Jackson County. Two hundred and ninety (290) bodies are yet to be removed; forty within a radius of twenty miles; forty on Santa Rosa Island, Santa Rosa County; sixty on San Juan Island, and one hundred and fifty at St. Andrew's Bay, in Washington County. All the graves are sodded, and some have headboards; others have stakes numbered to correspond with the numbers in the register.

The expenditures amount to \$23,770 34. The expenditures were made by Brevet Major J. R. Brinkle, Fifth Regiment of Artillery. Charles M. O'Regan, a discharged private of Company I, Forty-fourth Regiment of Infantry, is the superintendent, whose appointment is dated October 25, 1867. I cannot report respecting his fitness for the position, as I was unable to visit the cemetery in consequence of a heavy storm which was prevailing when I was at Mobile, and I could not, without consuming more time than I could well spare, obtain transportation. I judge, however, as the cemetery is reported to be in good order, that he is attentive to his duties.

At St. Augustine, in St. John's County, in the cemetery on the government reservation, adjoining the city on the south, there are eighty-two (82) bodies, of which number forty-two (42) are known, and forty (40) unknown.

At Tallahassee, in Leon County, in the city cemetery, there are forty-one (41) bodies, all of whom are known.

At Key West, in Dade County, in the military cemetery, there are three hundred and seventy-four (374) bodies, of which number one hundred and twenty-eight (128) are known, and two hundred and forty-six (246) are unknown.

At Fort Jefferson, Tortugas, in Dade County, (on Sand Key, East Key, and Bird Key,) there are one hundred and fourteen (114) bodies, of which number ninety-five (95) are known, and nineteen (19) are unknown.

All the graves at these four places have headboards, and are in good order.

Recapitulation of interments in Florida.

Cemeteries.	White.									Colored.			Estimated number to be removed.	Aggregate.
	Known.					Unknown.			Total.	Soldiers, known.	Soldiers, unknown.	Total.		
	Officers.	Soldiers.	Sailors.	Marines.	Citizens.	Soldiers.	Sailors.	Citizens.						
Barrancas navy yard..	20	375	28	7	53	95	250	58	886	154	270	424	290	1,600
St. Augustine		42	.....	.....	.....	40	.....	.....	82	.....	.....	.....	.....	82
Tallahassee		41	.....	.....	.....	.....	.....	.....	41	.....	.....	.....	.....	41
Key West....		128	.....	.....	.....	246	.....	.....	374	.....	.....	.....	.....	374
Fort Jefferson.....		95	.....	.....	.....	19	.....	.....	114	.....	.....	.....	.....	114
Total	20	681	28	7	53	400	250	58	1,497	154	270	424	290	2,211

STATE OF ALABAMA.

There is one cemetery in this State, at Mobil Originally there were

two, but the one at Montgomery was discontinued, and the bodies removed to Marietta, Georgia.

Mobile cemetery.—Inspected December 10, 1868.

The city of Mobile, in Mobile County, made a donation to the United States, lot No. 20, containing near three acres, in the city cemetery, adjoining the city on the southwest, which gift was confirmed by an act of the legislature dated February 19, 1867. The lot is in the form of a rectangle, perfectly level, and borders on Virginia street. It is divided into four equal sections by two main avenues, ten feet wide, crossing each other at right angles. The walks between the rows of graves are seven feet wide. In the centre is a mound thirty feet in diameter, on which a flag-staff has been erected. The lot is inclosed with a neat paling fence, with two gates, one opening into the city cemetery; the other, the main one, into Virginia street—all whitewashed. The ground, which was perfectly level and low, has been raised, and the exterior ditches have been deepened, making perfect drainage, the water passing under the street by a culvert, and flowing into a ravine. A lodge near the main gate, within the inclosure, has been erected.

The graves are partially provided with headboards. They are not sodded, but Bermuda grass has been set out on them, which will soon make a perfect covering. The avenues and walks are not graveled; they should be covered with small shells, which can readily be obtained from the gulf shore; they are kept perfectly clean. Trees and shrubbery have been set out in abundance.

The interments number eight hundred and thirty-seven, (837,) of which number thirteen (13) officers, five hundred and thirty-three (533) white soldiers, sixty-seven (67) sailors, sixty-nine (69) colored soldiers, and thirty-one (31) employés are known; and thirty-one (31) white soldiers, two (2) sailors, and ninety-one (91) colored soldiers are unknown. The bodies were removed from Fort Gaines, Morgan County, thirty miles distant; from Spanish Fort, sixteen miles; Blakely, twenty miles; Fort Morgan, thirty miles—all these in Baldwin County; Pollard, seventy-two miles; Conecuh, eighty miles—both in Conecuh County; and Claiborne, in Monroe County.

The estimated expenditures amount to \$25,366. At the date of the inspection there was no superintendent. The cemetery was in charge of the officer acting as assistant quartermaster at the military post in the vicinity. The employés, acting under his orders, took great interest in the work, and had the grounds in excellent order. John A. Commerford, a discharged sergeant of Company G, Forty-second Regiment of Infantry, has since been appointed superintendent, whose appointment is dated June 8, 1869.

STATE OF MISSISSIPPI.

There are three cemeteries in this State, viz: at Natchez, Vicksburg, and Corinth.

Natchez cemetery.—Inspected January 18, 1869.

This cemetery is situated one and a half miles north of the city of Natchez, in Adams county, on the up-river road to Rodney. It is an irregular figure of four sides—the west side taking the curve of the road on which it borders, and is seven hundred and forty feet in extent; the

other three sides, north, east, and south, are in extent, respectively, seven hundred and seventy feet, five hundred feet, and five hundred and ninety feet—and contains eleven and seventy-one hundredths acres. Around the entire ground, within the inclosure, is a serpentine avenue sixteen feet wide. The ground is subdivided by similar avenues into irregular burial divisions, and these again subdivided by paths four feet wide. In the northeast corner is a large circle, in which are the graves of officers. In the center is a space designed for a monument, should one be erected, and contiguous to it is a small circle on which a flag-staff has been erected. The ground is rolling, and the soil light, but the slopes are well protected by sod, and by means of well-constructed drains the water is carried off to the east and south, making the drainage as perfect as possible. Trees and shrubbery for beautifying the ground can readily be obtained.

The ground is inclosed with an oak paling fence and gate, white-washed. The gate is at the southwest corner of the plat, opening on the road. A lodge has been erected near the gate.

The avenues and walks are not graveled. The graves are not sodded, but they can readily be covered with Bermuda grass, which abounds in this section of the country and grows rapidly.

The interments number two thousand seven hundred and forty-nine, (2,749,) of which number one hundred and seventy-four (174) white soldiers, twenty-two (22) sailors, and fifty (50) colored soldiers are known, and three hundred and fifty (350) white soldiers, three (3) sailors, and two thousand one hundred and fifty (2,150) colored soldiers unknown. It is estimated that two hundred and forty-five (245) bodies are yet to be removed, of which number seventeen (17) are officers, seven (7) known, and ten (10) unknown. The bodies were removed from the States of Louisiana and Mississippi, within a radius of fifty miles around Natchez. The ground was purchased from the heirs of Mr. Purnell, at a cost of eighteen hundred dollars.

The expenditures amount to \$54,187 97. The expenditures were made by Brevet Colonels J. W. Scully, assistant quartermaster, and T. A. Chandler, quartermaster. Andrew J. Kendall, a discharged private of Company I, second regiment of Ohio veteran volunteer cavalry, is the superintendent, whose appointment is dated August 6, 1867.

Vicksburg cemetery.—Inspected January 22, 1869.

This cemetery is situated two miles north of the city of Vicksburg, in Warren County, extending from the Yazoo Valley road on the east, on which it fronts, to the Mississippi River on the west. It is a very irregular figure of twenty-three sides, and contains forty acres. Except a flat piece of land immediately on the river, a portion of which is subject to overflow, and therefore unfit for burial purposes until protected by a levee, the greater part of the plot was very hilly and broken piece of ground, sloping to the river, which was washed in gutters in several places. It was only made available for burial purposes by terraces, a number of them artificial, the high slopes of which were protected by sod, and the water was carried off by surface drains of brick. A deep ravine, near the north side, was filled up, and a broad, deep, open drain made to receive and carry off the water from the slopes bordering on it, and from the higher land belonging to private individuals on the east side of the Yazoo Valley road. At times the water rushes through this drain to the depth of two feet. The soil is light, and based on a kind of soapstone and blue clay, which becomes very slippery when wet.

About a week before the inspection there occurred a heavy fall of snow, and whether from the weight of the snow on the slopes or the percolation of water from it, or from underground springs passing over the slippery clay, a portion of the slopes on the northern side of the cemetery partly sunk and slid off a short distance, destroying the gutters to some extent. Subsequent to this a further slide occurred. The case having been reported to the Quartermaster General, he promptly sent a competent engineer to make a thorough examination of the cemetery and devise means for its more perfect drainage.

There is a large natural rocky mound in the southwest corner of the ground, and an artificial one has been made toward the northern part. There is a main drive of twenty feet wide around the exterior part of the ground. The walks are five feet wide, and the graves on the terraces are three feet distant from each other. The avenues and the walks are all graveled, and the graves are sodded. The graves are marked with stakes five inches wide, properly numbered.

The cemetery is inclosed with a neat paling fence, whitewashed, with three gates opening on the road, one at each extremity of the principal drive, and the third and main one, on the highest plateau, in the center of the east side of the ground. On this plateau has been erected a lodge and a flag-staff.

The interments number fifteen thousand five hundred and ninety-five, (15,595,) of which number eighty-three (83) officers, three thousand one hundred and ninety-three (3,193) white soldiers, twenty-three (23) sailors, one hundred and thirty (130) colored soldiers, fifty-eight (58) employés, and ten citizens are known; and fifty (50) officers, six thousand five hundred and ninety-eight (6,598) white soldiers, one (1) sailor, five thousand four hundred and fifty-eight (5,458) colored soldiers are unknown. It is estimated that one thousand four hundred and fifty-seven (1,457) bodies are yet to be removed. The bodies were removed in Mississippi from the city cemetery of Borine, along the Union line back of Vicksburg; Jackson, in Hinds County; Meridian, in Lauderdale County; Grand Gulf, in Claiborne County; Warrenton, in Warren County; Winchester, in Wayne County, and from Chickasaw Bayou; in Louisiana, on the banks of the Mississippi River, in Tensas, Madison, and Carroll Parishes, and Chicot County, in Arkansas. The ground was purchased from Mr. A. H. Jaynes, at a cost of nine thousand dollars.

The expenditures amount to \$178,636 72. The expenditures were made by Brevet Colonel J. W. Scully, assistant quartermaster, Brevet Colonel L. W. Peirce, assistant quartermaster of volunteers, and Brevet Colonel J. G. Chandler, quartermaster. Alexander Henry, a discharged sergeant of Company A, Twenty-fourth Regiment of Infantry, is the superintendent, whose appointment is dated August 29, 1868. He is attentive to his duties.

Corinth cemetery.—Inspected February 14, 1869.

This cemetery is situated three-fourths of a mile southeast of the town of Corinth, in Tishemingo County. It is in the form of a square, of nine hundred and fifty feet five inches on the sides, and contains twenty acres. It is located on a gentle eminence sloping to the south, affording good drainage by means of drains made of hard wood. A serpentine drive sixteen feet wide extends around the exterior of the ground. A main avenue of thirty feet from the gate of entrance from the main road in the center of the south side divides the ground into

two equal parts, and these are subdivided by two parallel avenues, and also, by walks six and eight feet wide, into a number of sections for burial purposes in the form of squares, circles, ellipses, and other irregular figures.

A circle in the main avenue near the north portion of the ground has been set apart for a monument, should one be erected. On the two parallel avenues are four squares containing respectively the dead of the sixty-third regiment of Ohio volunteers, fourth regiment of Illinois volunteers and Michigan volunteers. The Guntown dead are buried in one of the ellipses to the right of and near the main entrance. The other dead are buried as far as possible by States. The unknown are buried, the white soldiers on the west and part of the east side, and the colored soldiers on the southern part of the east side of the ground. The avenues and walks are all graveled, the graves sodded, and are marked with stakes properly numbered. Ample space has been left for trees and shrubbery, and for a lodge and garden. A number of forest trees has been set out.

The cemetery is inclosed with a neat paling fence and gate, white-washed. A lodge has been erected, also a flag-staff.

The interments number five thousand six hundred and seventy-one, (5,671,) of which number thirty-five (35) officers, seventeen hundred and forty (1,740) white soldiers, and eighteen (18) colored soldiers are known; and two (2) officers, three thousand five hundred and eighty-nine (3,589) white soldiers, two hundred and eighty-seven (287) colored soldiers are unknown. The bodies were removed from the immediate vicinity of the cemetery, and from distances varying from fifty to two hundred miles. In the State of Mississippi, from Corinth and its immediate vicinity, Jaconto, Burnsville, Iuka, and Rienza, Tishemingo County; Holly Springs, Marshall County; Tupelo and Guntown, Itawamba County; Pontotoc, Pontotoc County; Oxford, Lafayette County; Okolona, Chickasaw County; Coffeeville, Water Valley, and Grenada, Yallabusha County; West Point and Columbia, Lowndes County; Canton, Madison County; Glendale, Dixon County; Egypt Station, College Hill, and Springdale. In the State of Alabama from Barton and Tuscumbia, Colbert County; Courtland, Lawrence County; Athens, Limestone County; Decatur, Morgan County; Cherokee and Harris Stations. In the State of Tennessee from Chewalla and Purdy, McNairy County; Salisbury and Bolivar, Hardeman County; Jackson, Madison County; Humboldt and Trenton, Gibson County; Kenton and Union City, Obion County; Farmington, and roads leading to that place, Marshall County; Camp Davis, Hatchie River, Whittemore's Ford, Grand Junction, Bethel, and Parker's Cross roads. The ground was purchased from Mr. C. V. Vance and others, at a cost of \$3,500.

The expenditures amount to \$91,570.81. Joseph Berrigan, a discharged private of Company B, Forty-third Regiment of Infantry, is the superintendent, whose appointment is dated November 26, 1867. He is attentive to his duties.

Recapitulation of interments in Mississippi.

Cemeteries.	White.								Colored.			Estimated amount to be re- moved.	Aggregate.	
	Known.					Unknown.			Soldiers, known.	Soldiers, unknown.	Total.			
	Officers.	Soldiers.	Sailors.	Employés.	Citizens.	Officers.	Soldiers.	Sailors.						Total.
Natchez.....	.....	174	22	.....	.....	.....	350	3	549	50	2,150	2,200	245	2,994
Vicksburg...	83	3,193	23	58	10	50	6,589	1	10,007	130	5,458	5,588	1,457	17,052
Corinth.....	35	1,740	.....	.....	.....	2	3,589	.....	5,366	18	287	305	.....	5,670
Total.....	118	5,107	45	58	10	52	10,528	4	15,922	198	7,895	8,093	1,702	25,717

STATE OF LOUISIANA.

There are five cemeteries in this State, viz: at New Orleans, Fort St. Philip, Baton Rouge, Port Hudson, and Alexandria.

New Orleans cemetery.—Inspected December 12, 1868.

This cemetery is situated six miles south of the city of New Orleans, on the battle ground of General Jackson, in the parish of St. Bernard. It is part of the cemetery of Chalnette, and was donated to the United States by the authorities of the city of New Orleans, May 6, 1868, and fronts on the main road within the levee on the bank of the Mississippi River.

It is in the form of a rectangle, long and narrow, being two hundred and fifty feet front by two thousand three hundred and seventeen feet deep, and contains thirteen and a half acres. It is divided in the center by a shell road of sixteen feet in breadth, running its entire length, and is again divided by two parallel walks, and by forty cross-walks, making one hundred and sixty-nine squares for interment, except five: one containing a mound on which a flag-staff has been erected, the others devoted to flowers and shrubbery. Each square contains ninety-six graves. The long central avenue is further relieved from monotony by four other mounds. The squares for interment are fifty-four by forty-eight feet. Sufficient space has been reserved in the rear of the ground for future interments from the garrison of New Orleans. A permanent lodge of brick has been erected near the front gate, and a place secured for ornamentation. The old fences around three sides of the ground have been replaced by a strong paling fence, and a neat iron railing with gate, on the front line, was in course of construction. In the spaces on the front within the gate are mounds on which small cannon are mounted, and balls arranged around them, giving a very pleasing effect. One-third of the walks are covered with shells; shells for the remainder can readily be obtained, and I judge at no great cost. The graves are all sodded. About two-thirds of them have headboards painted white and lettered black, the other third are marked with stakes properly numbered. At first the drainage was indifferent, but by leveling the old line of fortification, and using the earth, the ground in the rear has been raised considerably, and the water is drained off to the east in the swamp. In ordinary stages of water in the Mississippi River, the graves

are perfectly dry. The grounds are greatly beautified with an abundance of flowers and shrubbery.

The interments number twelve thousand five hundred and forty-four, (12,544,) of which number forty-seven (47) officers, four thousand six hundred and ninety (4,690) white soldiers, two hundred and thirty-two (232) sailors, sixteen hundred and fifty-one (1,651) colored soldiers, sixty-two (62) employés, and two hundred and forty-seven (247) citizens are known, and two (2) officers, five thousand three hundred and eighty-two (5,382) white soldiers, one hundred and seventy-nine (179) colored soldiers, and fifty-two (52) citizens are unknown. There are also one hundred and thirty-two (132) rebel soldiers, who were prisoners of war, buried in the cemetery. The bodies were removed from Cypress Grove cemetery No. 2, and the corporation burying-ground at New Orleans from Forts Pike and Macomb, from the general hospital at the barracks, and from six plantations in the parish of Orleans, and at an average of fourteen miles distant from Fort Livingstone, on Barrataria Bay, Plaquemine Parish, one hundred and one miles from three camps and two plantations in Jefferson Parish, at an average of fourteen miles from Bonnet Carré, in St. John the Baptist Parish; forty-six miles from Red Church, in St. Charles Parish; twenty-six miles from J. G. Fevret's plantation, in St. Landry Parish; twenty-eight miles from Donaldsonville, in Ascension Parish; eighty-six miles from Hemmell's plantation, in Assumption Parish; from Bezendia's plantation, in St. Bernard Parish; from Thibodeaux, Camp Stevens, at La Fourche Episcopal and Catholic grave yards, and five plantations in La Fourche Parish, at an average of fifty-four miles from the burial grounds at Houma, Chacahoula, Tigerville, Bayou Bœuf, and Woodruff's plantation, in Terre Bonne Parish; at an average of seventy-five miles from three burial grounds in Franklin, and from twenty-four plantations in St. Mary's Parish; at an average of ninety-nine miles from the Catholic burial ground at New Iberia, Episcopal church yard, and from five plantations in St. Martin's Parish; at an average of one hundred and sixty miles from six plantations in La Fayette Parish; at an average of one hundred and ninety-four miles from the Methodist burial ground and Gidding's garden in Opelousas, the Catholic burying ground in Washington, and from twelve plantations in St. Landry Parish, at an average distance of two hundred and thirty-three miles, the greatest distance being two hundred and sixty-six miles.

The expenditures amount to \$146,799 75. The expenditures were made by Brevet Lieutenant Colonels E. J. Strong, N. L. Constable, Captain C. H. Hoyt, assistant quartermaster, and Captain Charles Bernard, assistant quartermaster of volunteers. Gerald Fitzgerald, a discharged sergeant of Company K, Fifth Regiment of Artillery, is the superintendent, whose appointment is dated June 1, 1868. He is most faithful in the discharge of his duties and takes great pride in the cemetery.

Fort St. Philip cemetery.—Not inspected.

This cemetery is an enlargement of the military burial ground at Fort St. Philip, on the east bank of the Mississippi River, in Plaquemines Parish, seventy-five miles below New Orleans. It contains two acres, and is inclosed with a picket fence and arched gateway, whitewashed, and is further protracted by a lane outside of the fence. The walks are covered with sea shells. The graves are all sodded and have head-boards. The drainage is as good as can be made in the low, flat ground,

and in wet weather the ground is inclined to be swampy. A lodge has not been erected, nor is one necessary, being within the limits of a military garrison.

The interments number three hundred and twenty-seven, (327,) of which number one (1) officer, thirty (30) white soldiers, and twenty-five (25) colored soldiers are known; and eleven (11) white soldiers, two hundred and sixty (260) colored soldiers are unknown. The cemetery is the burial ground both for the garrison for Fort St. Philip and Fort Jackson, on the opposite side of the river.

The expenditures, exclusive of the cost of some material furnished from New Orleans, amounts to \$6,191 04. A superintendent has not been appointed, nor is one necessary.

Baton Rouge cemetery.—Inspected January 8, 1869.

This cemetery is situated on the east side of the city of Baton Rouge, in East Baton Rouge Parish, within the city limits, bordering on one of the streets, being one and a half miles east of the Mississippi River. It is in the form of a rectangle, ten hundred and ten feet, by three hundred and twenty feet, and contains near seven and a half acres. It is divided in the center, on its longest side, by an avenue fifty feet wide, and again subdivided by two parallel avenues, ten feet wide, and these four equal parts are subdivided by cross avenues and paths into six sections of eight squares each, making in all forty-eight, for burial purposes. An avenue also extends around the exterior of the ground within the inclosure. A lodge near the main gate was in the course of erection. The ground is inclosed with a neat, substantial paling fence and gate, whitewashed.

The center of the plat being low and marshy, the street on which it borders was, by permission of the city authorities, cut down three feet, and a ditch cut through the center of the ground to effect a drainage, which only being partially successful a deep exterior ditch on the side of the plat was made, into which the water flows and passes off, and the entire ground is now dry.

The main avenue is covered with shells; the other avenues and walks are not graveled. The graves are covered with grass. Some of them have headboards, and others are marked with numbered stakes.

No flag-staff has been erected, and a flag is deemed unnecessary, as the cemetery is not very distant from the Baton Rouge barracks and the arsenal, where the flags are displayed. A number of forest trees have been set out, and there will be no difficulty in obtaining shrubbery.

The interments number two thousand nine hundred and twenty-five, (2,925,) of which number twenty-four (24) officers, two thousand two hundred and thirty-one (2,231) white soldiers, three (3) sailors, one hundred and seventy-three (173) colored soldiers, and two (2) employés are known; and four (4) officers, four hundred and eighty-five (485) white soldiers, and three (3) colored soldiers are unknown. Two (2) bodies are yet to be removed. Besides the bodies of those who fell in battle near the place, and who died in hospital, they were removed from Plaquemine, Iberville Parish, twelve miles distant, and from Camden, Ouachita County, Arkansas, five hundred and seventy-five miles distant.

The ground cost \$2,400. The expenditures, exclusive of the cost of ground, amount to \$29,936 30. The expenditures were made by Brevet Lieutenant Colonels E. J. Strang and A. J. McGunnigle, and Captain C. H. Hoyt, assistant quartermasters, Captain C. Barnard, assistant quartermaster of volunteers, Captain William Fletcher, Twentieth Regiment of Infantry, Brevet Brigadier General C. H. Tompkins, deputy quarter-

master general, and Lieutenant Thomas Latchford, regimental quartermaster Twentieth Regiment of Infantry. Henry W. Taylor, a discharged 1st sergeant of Company B, Forty-fifth Regiment of Infantry, is the superintendent, whose appointment is dated June 1, 1868. He is attentive to his duties, and keeps the grounds in good order.

Port Hudson cemetery.—Inspected January 10, 1869.

This cemetery is situated two miles southeast from the town of Port Gibson, East Feliciana Parish, one and one-fourth mile northeast of the Mississippi River. It was the burial-place of the army commanded by Major General Banks when he operated against the rebel entrenchments around Port Hudson, and on this account was designated as a site for a cemetery. It is near the left of his position, in the center of a plantation owned by Mr. J. H. Gibbons. It is in the form of a rectangle, six hundred and ninety-eight feet by five hundred and eight feet, and contains eight acres. It is divided in the center, on its longest side, by a main avenue thirty feet wide, with two other parallel avenues sixteen feet wide, and one cross avenue of the same width, making eight unequal sections. These are again divided by cross paths, making two hundred and sixteen squares for burial purposes. There are circles; in the center one a flag-staff has been erected; the others are designed for ornamentation. A frame lodge has been erected near the main gate.

The ground is inclosed with a substantial paling fence, with an indifferent gate, whitewashed. The avenues and walks are not graveled; the graves are covered with grass; half of the graves have headboards; the others are marked with numbered stakes. The drainage is good. A number of forest trees have been set out. A direct road has been opened from the river to the cemetery, one and one-fourth mile in length, and the bluff cut down to a landing place. When made it was in good order, but the heavy rains have washed it into gullies in several places. It will require constant attention to keep it in good condition.

The interments number three thousand eight hundred and two, (3,802,) of which number seven (7) officers, two hundred and sixty-three (263) white soldiers, eleven (11) sailors, two hundred and fifty-six (256) colored soldiers, one (1) employé, and three (3) citizens are known; and three thousand two hundred and sixty-one (3,261) unknown, but not designated by grades and description of troops. Besides the bodies of those who fell in battle at and near the place, and who died in hospital, they were removed from Carnes's plantation, at Bayou Sara, fifteen miles distant, and the Methodist College, on Wrist's plantation, sixteen miles distant, both in West Baton Rouge Parish; and from Morganzia, twenty-four miles distant, in Pointe Coupée Parish. The land is owned by Mr. James H. Gibbon, who asks for the tract of land two thousand five hundred dollars. Land in the vicinity is worth about fifty dollars per acre.

The expenditures amount to \$25,827 83. The expenditures were made by Brevet Lieutenant Colonel E. I. Strang, and A. J. McGunnigle, and Captain C. H. Hoyt, assistant quartermasters, Captain C. Barnard, assistant quartermaster of volunteers, Captain William Ketcher, Twentieth Regiment of Infantry, Brevet Brigadier General C. H. Tompkins, deputy quartermaster general, and Lieutenant Thomas Latchford, regimental quartermaster Twentieth Regiment of Infantry. Theodore Ganson, a discharged sergeant of Company B, Forty-third Regiment of Infantry, is the superintendent, whose appointment is dated June 1, 1868. He is attentive to his duties, and keeps the cemetery in excellent order.

Alexandria cemetery.—Inspected January 15, 1869.

This cemetery is situated on the left bank of Red River, opposite the city of Alexandria, in Rapides Parish, immediately in rear of Pineville and the military post, and about one mile from the river, in a heavy pine region of sandy land.

It is in the form of a rectangle, six hundred and twelve feet, by five hundred and sixty-four feet, and contains about eight acres. It is divided into four divisions by two avenues, twenty-four feet wide, crossing at right angles in the center, and these are again subdivided by walks eight feet wide, making sixty-four sections for burial purposes. An avenue twenty-four feet wide extends around the entire ground within the inclosure. There is a mound in the center of the plat, on which a flag-staff has been erected. On the east side of the plat a space has been set apart for ornamentation, in which a frame lodge is in course of construction. The ground is inclosed with a paling fence and heavy gate, whitewashed. Along the exterior of the south side, a road has been extended on private ground, of no great length, connecting with the main road leading to Pineville. In the northeast part of the cemetery the ground is low and swampy, and the drainage is very bad, but in the other portions it is perfectly good, the water flowing into a ditch on the edge of the road, on the south front. The avenues and walks are nearly all graveled. The graves are not sodded. Four hundred and forty-nine graves have headboards.

The ground is double the size necessary, only twenty-two sections containing graves out of sixty-four. It is recommended that it be diminished by removing the eastern fence and placing it on the east of the main avenue, which would throw out all the marshy ground. If this should be done, the bodies in four sections would have to be removed and reinterred in four sections in the second division; also the space around the lodge should be retained. This measure would make a decided improvement.

The interments number twelve hundred and eighty-two, (1,282,) of which number nineteen (19) officers, four hundred and twelve (412) white soldiers, fourteen (14) sailors, sixty-two (62) colored soldiers, one (1) employé, and six (6) citizens are known; and six (6) officers, six hundred and sixteen (616) white soldiers, one hundred and forty-one (141) colored soldiers, and five (5) citizens are unknown.

Estimated number of bodies yet to be removed, fifty. The bodies were removed in Louisiana from Mount Pleasant, twenty-seven miles distant, Cheneyville, thirty-five miles distant, Cotile Landing, forty miles distant, and Fort de Russey, forty miles distant, in Rapides Parish; Yellow Bayou, and Bayou Deplase, each eighty miles distant, Markville, thirty-five miles distant, in Avoyelles Parish; Grand Ecore, one hundred and twenty miles distant, and Natchitoches, one hundred and twenty-four miles distant, both in Natchitoches Parish; Pleasant Hill, one hundred and forty miles distant, Mansfield, one hundred and sixty miles distant, both in De Soto Parish; and Shreveport, three hundred and forty miles distant, in Caddo Parish. In Texas, from Jefferson, three hundred and sixty-eight miles distant, in Marion County; and Tyler, five hundred miles distant, in Smith County. The land was purchased from Mr. Poisson, for one hundred and fifty dollars.

The expenditures amount to \$11,511 83. The expenditures were made by Captain J. C. Bates, Lieutenant R. Maxwell, and B. Carney, Twentieth Regiment of Infantry, and Lieutenant Purcell, First Regiment of Infantry. George B. Craft, a discharged sergeant of Company E, Forty-fifth Regi-

ment of Infantry, is the superintendent, whose appointment is dated August 20, 1867. He is attentive to his duties.

Recapitulation of interments in Louisiana.

Cemeteries.	White.								Colored.			Unknown soldiers not classed.	Estimated amount to be removed.	Aggregate.	
	Known.					Unknown.			Total.	Soldiers, known.	Soldiers, unknown.				
	Officers.	Soldiers.	Sailors.	Employés.	Citizens.	Officers.	Soldiers.	Citizens.							
									Total.						
New Orleans.....	47	4,690	232	62	247	2	5,382	52	10,714	1,657	179	1,830	.....	.....	12,544
Fort St. Philip....	1	30	.....	.....	.....	.....	11	.....	42	25	260	285	.....	.....	327
Baton Rouge.....	24	2,231	3	2	.....	4	485	.....	2,749	173	3	176	.....	2	2,927
Port Hudson.....	7	263	11	1	3	.....	.....	.....	285	256	.....	256	3,261	.....	3,802
Alexandria.....	19	412	14	1	6	6	616	5	1,074	62	141	203	.....	50	1,332
Total.....	98	7,626	260	66	256	12	6,494	57	14,869	3,167	583	2,750	3,261	52	20,932

STATE OF TEXAS.

There are three cemeteries in this State, viz., at Galveston, Brownsville, and San Antonio.

Galveston cemetery.—Inspected December 23, 1868.

This small cemetery is within the corporate limits of the city of Galveston, in Galveston County, and adjoins the city cemetery. It contains two and a half acres and is inclosed with a paling fence, whitewashed. The walks are not graveled, nor the graves sodded. Two hundred and forty-four graves have headboards.

The interments number three hundred and eighty-five, (385,) of which number five (5) officers, three hundred and one (301) white soldiers, four (4) sailors, and thirty-seven (37) colored soldiers are known; and thirty-two (32) white soldiers, and six (6) colored soldiers are unknown. Besides burials from Galveston, bodies were removed from Indianola and Lavaca, in Calhoun County; Victoria, in Victoria County; and from Green Lake, Camp Stanley, and Placid River cemetery.

The expenditures amount to \$2,182 92. The expenditures were made by Lieutenant D. G. Fenno, Seventeenth Regiment of Infantry, acting assistant quartermaster, and Charles Garretson, regimental quartermaster Seventeenth Infantry. Pursuant to instructions from the Quartermaster General, cemeterial operations have been discontinued, and the soldiers are to be removed to the cemetery at Brownsville.

Brownsville cemetery.—Inspected December 18, 1868.

This cemetery is situated on an island formed by a lacuna, a former bed, no doubt, of the Rio Grande River, south and in front of the military post, and but a short distance from the river. It is in the form of a rectangle and contains twenty-five acres. It is divided in the center on its longest side by an avenue twenty five feet wide, with an exterior avenue of the same width, on the north, south, and west sides. The burial part of the plat is subdivided into thirty burial lots, by walks crossing each other at right angles twelve feet wide. The eastern por-

tion is laid out in spaces for ornamentation, except around the mound, on which is erected a flag-staff, which has been set apart for the interments of officers. The ground has been laid out with taste. Trees and shrubbery, the peculiar growth of the country, abound in the west end of the cemetery, and sufficient to ornament the entire ground.

The ground is low and the drainage is very poor. This can be remedied by taking earth from the old works of Fort Brown, and raising the ground in the low places. This can now be readily done, as a ferry flat has been constructed for communicating with the island, to replace the small barge used at the date of my inspection. Being surrounded by water, an inclosure is unnecessary.

The avenues and walks are not graveled. The graves, which are slightly raised, are covered with the native grass of the country, and the exterior edges of the sections are sodded. The graves are marked with stakes properly numbered. No lodge has as yet been erected. Estimates for one had been forwarded to the proper officer. At the date of inspection, a heavy rise had taken place in the Rio Grande, and the swift current was cutting away the left bank of the river, and it was feared that the river would break through into the lacuna and sweep off the west end of the cemetery. This was prevented by driving heavy piles. It is recommended also that willows, which abound up the river, be set out along the bank for further protection.

The interments number nineteen hundred and eighty-five, (1,985,) of which number fourteen (14) officers, two hundred and fourteen (214) white soldiers, two (2) sailors, six hundred and ninety two (692) colored soldiers, ten (10) employés, and seven (7) citizens are known; and two hundred and thirteen (213) white soldiers, eight hundred and thirteen (813) colored soldiers, and two (2) citizens are unknown. Eighteen (18) bodies are not classed. Besides burials from Brownsville, bodies were removed from Edinburg, sixty-five miles distant, in Hidalgo County; Ranch Blanco, forty-seven miles distant, Santa Maria, thirty-five miles distant, from Cortinas, nine miles distant, Barrancas Ranch, eighteen miles distant, White's Ranch, twenty two miles distant, Brazos Santiago, thirty miles distant, and Laredo, twenty-two and a half miles distant, all in Cameron County; from Benevidas Ranch, two hundred and seventy-six miles distant, from Redman's, two hundred miles distant, from Roma, two hundred and forty-one miles distant, and Ringgold Barracks, one hundred and three miles distant, all in Starr County; from Indianola, one hundred and ninety miles distant, and Lavaca, two hundred and five miles distant, both in Calhoun County; from Victoria, two hundred and ten miles distant, in Victoria County; and from Placido. The United States has as yet no title to the land.

The expenditures amount to \$18,500. The expenditures were made by Brevet Majors C. H. Hoyt and W. A. Wainwright, assistant quartermasters. Albert Dean, a discharged private of the sixth Kentucky cavalry, is the superintendent, whose appointment is dated July 16, 1868. He is attentive to his duties, and the cemetery is in good order.

San Antonio cemetery.—Inspected December 28, 1868.

The original ground donated by the city authorities of San Antonio, in the city cemetery, was changed to a better location, also a gift of the same authorities, within the same cemetery. It is situated one mile east of San Antonio, in Bexar County, and is in the form of nearly a square, being two hundred and ninety-one feet by two hundred and eighty-five feet, and contains one and nine-tenths acres. In the center

of the plat is a mound, on which is erected a flag-staff, and around this is a circle of one hundred and twenty feet, which is divided by walks into four divisions, with borders around the divisions for shrubbery, and these are subdivided into three sections each for burial purposes. Around this circle is a carriage road with a short road from it to the center of the four sides of the plat, each terminating into a walk around the entire ground. Exterior to this walk is a border for shrubbery. The four roads divide the other portions of the ground into four equal divisions, and these are each subdivided by parallel walks, into six sections for burial purposes, making in all thirty-six burial lots.

The ground is inclosed with a handsome solid wall of limestone, five feet high, with dressed beveled coping stones two feet broad. There are two neat iron gates—one at the south entrance, fronting on Paso Hondo street, the other on the north, opening into the city cemetery. Inside of the main gate a small stone structure, of two unequal sized rooms, for an office and for tools, has been erected. A lodge is unnecessary, as the cemetery will be under the charge of the officer of the quartermaster's department at the military station in San Antonio. At the head of each grave is a block of limestone neatly lettered, with the name of the soldier and the number of the grave. The walks, as far as necessary, are macadamized. The graves are sodded as well as can be done in that climate. The drainage is good.

The interments number two hundred and ten, (210,) of which number nine (9) officers, one hundred and twenty-one (121) white soldiers, seven (7) colored soldiers, five (5) employés, and eleven (11) citizens are known; and fifty (50) white soldiers, four (4) colored soldiers, and three (3) citizens are unknown. The bodies were removed from the uninclosed city cemetery, from Salado, seven miles distant, Medina River, fifteen miles distant, both in Bexar County; from Austin, eighty miles distant, in Travis County, and from Indianola, one hundred and fifty-four miles distant, in Calhoun County. Estimated number of bodies yet to be removed, fifty, (50,) they being deaths from cholera, and not sufficiently decomposed for removal with safety.

The expenditures amount to \$14,384 57. The expenditures were made by Brevet Lieutenant Colonel J. G. C. Lee, assistant quartermaster. The cemetery is in beautiful order, and the colonel deserves much credit for the taste displayed in laying out and finishing this small cemetery.

Recapitulation of interments in Texas.

Cemeteries.	White.								Colored.			Unknown soldiers, not classed.	Estimated number to be removed	Aggregate.
	Known.					Unknown.			Soldiers known.	Soldiers unknown.	Total.			
	Officers.	Soldiers.	Sailors.	Employés.	Citizens.	Soldiers.	Citizens.	Total.						
Galveston	5	301	4	.....	.....	32	.....	342	37	6	43	.....	.....	385
Brownsville	14	214	2	10	7	213	2	462	692	813	1,505	18	.....	1,985
San Antonio.....	9	121	.....	5	11	50	3	199	7	4	11	.....	50	260
Total.....	28	636	6	15	18	295	5	1,003	736	823	1,559	18	50	2,630

STATE OF ARKANSAS.

There are three cemeteries in this State, viz., at Little Rock, Fort Smith, and Fayetteville.

Little Rock cemetery.—Inspected January 26, 1869.

This cemetery is situated one and a half miles southeast of the city of Little Rock, in Pulaski County. Originally, when the United States troops occupied the city, a portion of the new city cemetery was set apart as a military burial place; and when it was decided to make it a national cemetery, to receive the dead from Pine Bluff and DeVall's Bluff, and other places in Arkansas, the area was enlarged, making it a rectangle, containing twelve and one-eighth of an acre. The east side fronts on a public road, and the plat extends west in the city cemetery, the ground sloping in that direction, making a good drainage into a small ravine passing through the western portion of the ground. From the center of the east front, an avenue thirty feet wide extends a short distance and unites with other serpentine avenues twenty-five feet wide, which divides the plat into twelve irregular sections for burial purposes. The center one is occupied by officers; the southeastern one has been reserved for burials from the troops in garrison at the post. There is also a circular mound on which a flag-staff has been erected. Around the exterior of the ground is an avenue twenty-five feet wide.

Since the inspection sixteen months previous, except to remove and re-inter the dead, but little appears to have been done. The ground was not even inclosed, except on one side with about eight hundred feet of common picket fence. The avenues and walks were untouched, and not even graveled; nor were the graves sodded. The graves were marked with small headboards and stakes properly numbered. A lodge, in the section near the main entrance, was in course of construction. No trees or shrubbery had been put out, and while there had been ample time to completely finish the cemetery, it was decidedly in indifferent order.

The interments number five thousand four hundred and nine, (5,409,) of which number twenty-six (26) officers, two thousand six hundred and ten (2,610) white soldiers, two (2) sailors, and four hundred and thirty-eight (438) colored soldiers are known; six (6) officers, two thousand and one (2,001) white soldiers, two (2) sailors, and three hundred and twenty-four (324) colored soldiers are unknown. The bodies were removed from Pine Bluff, in Jefferson County, DeVall's Bluff, in Prairie County, and from various places within a radius of one hundred miles from Little Rock. The ground was purchased from the city authorities of Little Rock, at a cost of \$1,818.

The expenditures amount to \$21,083. The expenditures were made by Brevet Captain H. B. Noble, Major A. Montgomery, quartermaster, Brevet Majors T. J. Eckerson and L. C. Forsythe, assistant quartermasters, Brevet Colonel L. W. Pierce, assistant quartermaster of volunteers, and Colonel R. N. Batchelder. James Hill, a discharged sergeant of Company G, Second Regiment of Cavalry, is the superintendent, whose appointment is dated June 1, 1868.

Fort Smith cemetery.—Inspected January 21, 1869.

This cemetery is an enlargement of the old burial ground, established for the burial of deceased officers and soldiers of the garrison of Fort Smith, in Sebastian County. It is situated a short distance from Fort Smith, on the military reservation, between the Choctaw line road and Ponto River. By a recent extension of the ground east, to include the lodge, which was in the course of construction, beyond the inclosure, the cemetery is now in the form of a rectangle, and contains about five

acres. It is divided into six large divisions, and three small sections, for burial purposes, by avenues ten feet wide. An avenue twelve feet wide extends around the exterior of the ground. The avenues and walks are all graveled, and the gutters completed, giving good drainage. About two hundred of the graves are sodded, and about one hundred and fifty have headboards, the rest being marked with stakes properly numbered. There are a large number of trees in the ground, and ample space is afforded for shrubbery, and a garden for the superintendent. The cemetery is inclosed with a paling fence. A lodge on a stone foundation was in course of construction; a cistern is needed; no flag-staff has been erected, owing to the proximity of the cemetery to the military post, where a flag is displayed.

The interments number seventeen hundred and seventy-six, (1,776,) of which number eighteen (18) officers, four hundred and nineteen (419) white soldiers, twelve (12) colored soldiers, four (4) employés, and seventeen (17) citizens are known; and three (3) officers, twelve hundred and ninety-eight (1,298) white soldiers, three (3) colored soldiers, one (1) employé, and one (1) citizen are unknown. It is estimated that two hundred and forty-five (245) bodies are yet to be removed. The bodies were removed from around the vicinity of the cemetery, and at an average distance of from forty to fifty miles.

The expenditures amount to \$6,369 77. The disbursements were made by Captain T. A. Baldwin, Nineteenth Regiment of Infantry, acting assistant quartermaster. David Allen, a discharged private of the First Regiment of Cavalry, is the superintendent, whose appointment is dated June 1, 1868. He is attentive to his duties.

Fayetteville cemetery.—Inspected February 3, 1869.

This cemetery is situated on the summit of a small hill, over half a mile southeast of the town of Fayetteville, in Washington County, and contains about five acres. It is in the form of a square, the sides of which are four hundred and sixty-six feet in length. It has a gentle slope from the center in every direction, affording good drainage. The square is inscribed with a circular avenue fifteen feet wide, giving four equal spaces at the four angles for gardens and shrubbery. In the center is a circle, sixty feet in diameter, with an avenue surrounding it of twenty feet width. From this avenue six avenues radiate to the inscribed circular avenue, giving the ground a star shape. Six small triangular spaces in these avenues are reserved for interment of officers, and the six large spaces for soldiers, they being buried by States. Six other diamond-shaped spaces near the center are reserved for ornamentation.

The ground is inclosed with a temporary wooden fence, whitewashed. The avenues and walks are graveled; the graves are not sodded, but blue grass seed has been sown among them; there are no headboards; neither a lodge nor a flag-staff has yet been erected; a well has been dug; no trees or shrubbery have as yet been set out, but they can readily be obtained.

The interments number twelve hundred and four, (1,204,) of which number twenty-six (26) officers, four hundred and twenty-nine (429) white soldiers, two (2) employés, and four (4) citizens are known; and two (2) officers, seven hundred and forty-one (741) white soldiers are unknown. It is estimated that twenty (20) bodies are yet to be removed. The bodies were removed from the battle-grounds of Pea Ridge, Prairie Grove, Cane Hill, and Fayetteville, over an area of one hundred miles, and over a very rough and mountainous country. The ground was pur-

chased from Mr. Stephen K. Stone and Mr. David Walker, at a cost of seventy-five dollars per acre.

The expenditures amount to \$17,963 10. The expenditures were made by Captain T. A. Baldwin, W. O. Lattimore, and Lieutenant John J. Hammer, Nineteenth Regiment of Infantry, acting assistant quartermaster. Josiah Nutting, a discharged private of the Nineteenth regiment of Maine volunteers, is the superintendent, whose appointment is dated September 12, 1867. He is attentive to his duties.

Recapitulation of interments in Arkansas.

Cemeteries.	White.										Colored.			Estimated number to be removed.	Aggregate.	
	Known.					Unknown.					Known soldiers.	Unknown soldiers.	Total.			
	Officers.	Soldiers.	Sailors.	Employés.	Citizens.	Officers.	Soldiers.	Sailors.	Employés.	Citiz. ns.						Total.
Little Rock...	26	2,610	2	....	....	6	2,001	2	..	.	4,647	438	324	762	.....	5,409
Fort Smith	18	419	....	4	17	3	1,298	..	1	1	1,761	12	3	15	240	2,021
Fayetteville...	26	429	....	2	4	2	741	..	..	..	1,204	.....	.....	.....	20	1,224
Total	70	3,458	2	6	21	11	4,040	2	1	1	7,612	450	327	777	265	8,654

STATE OF TENNESSEE.

There are seven cemeteries in this State, viz: at Memphis, Shiloh, Chattanooga, Knoxville, Stone River, Nashville, and Fort Donelson.

Memphis cemetery.—Inspected February 12, 1869.

This cemetery is distant seven miles in the northeast direction from the city of Memphis, in Shelby County. It fronts on the Summerville road four hundred and sixty feet, and borders on the Memphis and Ohio rail, road four hundred and eighty-seven feet; running back from the road nineteen hundred and fourteen feet, and from the railroad sixteen hundred and fifty-nine feet, forming nearly a lengthy rectangle. It contains thirty-seven and sixty-two hundredths acres.

The plot was covered with a growth of large oak trees, and this may have influenced the board of officers charged with the duty of its selection, which was in a dry season; but when work on it was commenced it was found that the ground sloped to the rear, and one-third of the ground was under water. Extensive drains, to carry off the water to the front on the Summerville road, had necessarily to be made, with a number of lateral drains leading into them. The main drain is seventeen hundred and twelve feet in length, and varies in depth from five to nine feet, and in width from six to nine feet. The aggregate length of the lateral drains leading into it is twenty-seven thousand six hundred and sixteen feet, varying in depth from one and a half to three feet. The main drain is revetted with wood, and when this decays brick should be substituted. The drains are in good order.

The ground is inclosed with a neat paling fence and gate, whitewashed. It is erected eight feet within the boundaries, to leave space for a permanent inclosure. A lodge of wood has been erected near the gate of entrance; an avenue of thirty feet, commencing at the main gate, passes through the entire length of ground; a cross avenue, of the same width

near the center of the plot, where an extensive circle has been made for the site of a monument, should one be erected, divides the ground into four divisions. There is also a circle in the main avenue, near the gateway, on which a flag-staff has been erected. Within the fence is a lawn and a road twenty five feet wide. The other walks are three and six feet wide, dividing the ground into square burial lots, except those around the circle. The avenues and walks are graveled, and grass seed has been sown over the graves. The graves are marked with numbered stakes.

A number of the forest trees had to be removed, to open the ground to the action of the sun; but this has been done judiciously, and a sufficient number preserved.

The interments number thirteen thousand nine hundred and sixty-six, (13,966,) of which number twenty-eight (28) officers, four thousand eight hundred and twenty-four (4,824) white soldiers, two hundred and fifty (250) colored soldiers, and forty-five (45) employés, are known; and five (5) officers, four thousand eight hundred and forty-seven (4,847) white soldiers, three thousand nine hundred and fifty-nine (3,959) colored soldiers, and eight (8) employés are unknown. The bodies were removed from the original burial grounds in and around the city of Memphis, of deaths at the camps; and in the general hospital; from the Elmwood Cemetery; the line of the Memphis and Charleston railroad to La Grange, in Fayette County; the line of the Memphis and Ohio railroad to Humboldt, in Gibson County, Tennessee; and from all the intermediate and adjacent country; from both banks of the Mississippi River; from Hickman, in Fulton County, in Kentucky, on the north, to Helena, Phillips County, Arkansas, on the south, including those on Island Number 10, and the cemetery at Fort Pillow. The cost of the cemetery ground was \$9,817 50.

The expenditures amount to \$201,380 75. John F. Carl, a discharged corporal of Company A, Fourth Regiment of Artillery, is the superintendent, whose appointment is dated August 6, 1867. He is attentive to his duties, and has the cemetery in good order.

Shiloh cemetery.—Inspected February 15, 1869.

This cemetery is situated on the left bank of the Tennessee River, by the road which leads to Pittsburg Landing, in Hardin County, and takes its name from a little church built of logs, around which the battle of Shiloh was fought. It occupies a high bluff overlooking the landing, and from the summit there is an extensive view up and down the river. The natural features of the ground render it capable of being beautifully adorned, but as yet no trees or shrubbery have been set out. An abundance of young magnolia trees can readily be obtained a short distance up the river. The original plot was very nearly an equilateral triangle, rendered so by a ravine on either side of it, the base resting on the river. Additional ground has been added for a lodge and garden, making it an irregular figure of four sides; and the plot now contains ten and five-hundredths acres. It is distant from the town of Hamburg, in Hardin County, Tennessee, five miles. As steamboats ply on the Tennessee River at all seasons of the year, the cemetery is easy of access. It can also be reached from the railroad passing through Corinth by the county road connecting that place with Pittsburg Landing; distance some twenty-five miles.

The ground is laid out with taste. An avenue thirty feet wide extends around the crest of the bluff; and another leads from the gate, through the center of the plot to a square of ground near the edge of the bluff,

reserved for a monument, should one be erected; around which there are three circles of burial lots. By the flag-staff, immediately above the river, a semicircular plot has been laid out for the dead of the color-guards. The other parts of the ground are divided into smaller lots by avenues and walks, varying from fifteen to six feet in width, to contain the known dead by States and regiments. The avenues and walks are macadamized. The graves are sown with grass seed, and marked with head-stakes. The entire ground is inclosed with a substantial stone wall with heavy coping stones and a neat gate. A lodge has been erected by the gate. The face of the bluff on the river side is broken by small ravines, and it is very rough and unsightly. It is recommended that the wall along the river, where necessary, should be raised, the slope leveled, and sown with grass seed. The drives on the river side and some of the slopes are secured with logs of wood, which are fast decaying.

The drainage is good, and nearly all the stone gutters are finished.

The interments number three thousand five hundred and eighty-three, (3,583,) of which number twenty-seven (27) officers, eleven hundred and ninety-six (1,196) white soldiers, one (1) employé are known, and three (3) officers, two thousand three hundred and fifty-five (2,355) white soldiers, and one (1) colored soldier are unknown. The bodies were removed in Tennessee from the battle-field of Shiloh, and on the road to Corinth, Hamburg and Savannah, in Hardin County; Clifton and Fort Henry, in Wayne County; Monterey, Crump's Landing, Fort Keineman, and along the Tennessee River, from Eastport, in Tishomingo County, Mississippi; and from Florence, Waterloo, and Gravelly Springs, in Lauderdale County, Alabama. The ground is owned by the heirs of Thomas B. Stubbs, who ask two hundred dollars per acre. It has been assessed at five hundred dollars.

The expenditures amount to \$103,516. Peter Jecks, a discharged sergeant of the Fifth regiment of Missouri volunteers, is the superintendent, whose appointment is dated November 26, 1867. He is attentive to his duties, and has the cemetery in good order.

Chattanooga cemetery.—Inspected November 17, 1868.

This cemetery is situated southeast of the town of Chattanooga, in Hamilton County, distant from it one and a quarter mile, and is near the Western and Atlantic railroad, which passes through the town. The land was taken under the orders of Major General G. H. Thomas, commanding the Department of the Cumberland. It contained one hundred and twenty-nine and fifty-seven hundredths acres, but only seventy-five acres have been inclosed as a cemetery, and one-half of the sections contain bodies. It is on a small hill, which rises from fifty to one hundred feet above the surrounding plain. On the apex of the hill a circle three hundred feet in diameter is reserved for a monument, should one be erected, and for a flag-staff, which has been erected, around which is a circular avenue thirty feet wide. Two other avenues of the same width encircle the hill. There is a carriage-drive nearly circular, twenty-four feet within the inclosure, also a main avenue which leads from the gate of inclosure to the circle. By means of these avenues and others radiating from the centre, the plat is subdivided into nineteen sections for burial purposes, two of them for colored troops, and one for citizens who have been soldiers, and their families. These occupy about one half of the ground. Around the sections are walks twelve feet wide, and the paths between each double row of graves are four feet wide. The aggregate length of the avenue is four miles.

There are two natural caves on the north side, (one under picturesque rocks,) which are supposed to communicate. Neither can be explored, and on one occasion when it was attempted two men lost their lives from foul air. The large trees in the plat were cut by the troops for fuel, before it was taken for a cemetery, but there are a number of small ones, principally of black oak, scattered over the ground. Of the fourteen sections in which there are no burials, one is ornamented with evergreens, and three with roses. More trees and shrubbery are necessary to make this one of the most attractive of all the cemeteries.

The cemetery is inclosed with a heavy stone wall made by details from the troops occupying Chattanooga, and afterward repaired by the quartermaster's department, and made of uniform height of four feet, with heavy coping stones. At the main entrance there are three stone pillars, also at the east gate, upon which the gates are hung. The extent of the wall is one mile and twenty-five yards.

The graves have small mounds, which are covered with blue, crab, and fox-tail grass, and the four foot-paths in the sections are also thus covered. The graves are marked with stakes two feet long, four inches broad, and one inch thick, the bottom coated with tar. Those for the graves of the officers are lettered, the others numbered to correspond with the register.

From the top of the hill the ground falls gently in every direction, and as all the avenues and main walks are macadamized, and extensive stone gutters have been made, the drainage is perfect.

Outside the main gate two acres have been reserved for a lodge and garden. The lodge has been erected, also a stable for mules which must be kept. Hay for them is obtained from the cemetery. From the lodge there is a macadamized road, three hundred yards long, connecting the cemetery with the road around the garrison.

The interments number twelve thousand eight hundred and forty-seven, (12,847,) of which number one hundred and ninety-two (192) officers, seven thousand six hundred and ninety-four (7,694) white soldiers, seven hundred and fifty-eight (758) colored soldiers, and fourteen (14) employés are known, and seven (7) officers, four thousand one hundred and sixty-two (4,162) white soldiers, and twenty (20) colored soldiers are unknown. The bodies were removed in Tennessee from the battle-fields of Chattanooga and Chickamauga, in Hamilton County; and Tantallon, fifty-seven miles east; Resaca, in Gordon County, Georgia, fifty-four miles south; from Huntsville, in Madison County, Alabama, eighty-one miles west, and from many places within the above limits. The land is owned by Mr. Joseph Ruohs, R. M. Hooke, R. Clayton, and John Ambler. It has been assessed at two hundred and fifty dollars per acre. Frederick Buntley, a discharged sergeant of Company D, Thirteenth Regiment of Infantry, is the superintendent, whose appointment is dated January 10, 1868. He is attentive to his duties, and has the cemetery in fine order.

Knoxville cemetery.—Inspected November 18, 1868.

This cemetery is situated one and a quarter mile southeast of the city of Knoxville, in Pendleton County, fronting on a public road, and within a short distance of the Knoxville and Kentucky railroad. It is in the form of a rectangle, and contains ten acres. Two and a half acres on the front contain the lodge, stable, and garden. On the west side of the main avenue, the one half on the east side is set in trees and grass. The upper portion, containing the graves, is a square. In the center is a circle of twenty-four feet in diameter, for a flag-staff, which has been

erected. Around the circle is an avenue seventeen feet wide, from which radiates four avenues thirteen feet six inches wide, leading to four gates, dividing the ground into four equal parts. A circular avenue, eighteen feet wide, is inscribed within the square. The burial lots are in circles, thirteen in each of the four divisions, with a path nine feet wide between each circle of single graves. Twenty-nine graves are on each side of the gate of entrance to the square exterior to the circular avenue. The square is inclosed with a five-bar fence, with cedar posts, and the addition with a paling fence with neat gate. All require white washing.

The mounds to the graves are flat on top and covered with blue grass. To some of the graves there are headboards properly lettered, to others stakes properly numbered. There are fifty-five headstones erected by relatives and friends of the deceased. The avenues and walks are covered with fine broken slate. The ground falls in three directions from the center mound, and as the land is light, the rains as they fall sink, rendering gutters unnecessary. A number of young cedar trees are growing finely. Altogether five hundred and fifty trees have been set out, a number of which are growing.

The lodge is very badly built. The contract was awarded to a person, I think, in Chattanooga, who sub-let it to a person in Knoxville, who intrusted the work to common laborers. The plank was not seasoned, and the shingles were most inferior. The shrinkage has been very great, and every rain storm beats through the doors and casements of the windows, covering the floors with water. The roof leaks badly. The plastering was done in mid-winter. The mortar contains very little lime, and is constantly falling off. The officer of the quartermaster's department having charge of the cemetery at the time could not have seen the work, or he would have rejected it.

The interments number three thousand one hundred and fifty-three, (3,153), of which number twenty-five (25) officers, nineteen hundred and sixty-five (1,965) white soldiers, seventy-three (73) colored soldiers, and fourteen (14) employés are known, and one thousand and seven (1,007) white soldiers, sixty-eight (68) colored soldiers, and one (1) employé are unknown. The body of a rebel soldier is interred in the cemetery. The bodies were removed in Tennessee from Tazewell, Claiborne County, fifteen miles north; from Concord, Knox County, twenty miles west; from Christianburg, Montgomery County, in Virginia, two hundred miles east; from Ashville, Buncombe County, in North Carolina, eighty miles south, and from various places within those limits. Also from the cemetery at Cumberland Gap, in Claiborne County, Tennessee; also five hundred and eighty bodies collected in Tennessee, Kentucky, and Virginia. The ground cost, under assessment, \$4,914 06.

The expenditures amount to \$17,360 17. Thomas Ridge, a discharged private of Fifth Regiment of Cavalry, is the superintendent, whose appointment is dated August 6, 1867. He has the cemetery in good order, is very attentive to his duties, and especially takes pains to ornament the grounds.

Stone River cemetery.—Inspected February 18, 1869.

This cemetery is situated three miles northeast of the town of Murfreesboro, in Rutherford County, on the battle-ground of Stone River, between the Nashville and Chattanooga railroad and the Nashville and Murfreesboro turnpike, the main entrance being on the turnpike, and contains sixteen acres. It is beautifully situated on a knoll, the ground

falling with a gentle slope toward the turnpike, affording good drainage. On the highest point above the center, toward the railroad, is a square of about eighty-two feet, designed for a monument, should one be erected, called Lincoln square, around which is an avenue thirty feet wide. From the angles and center of the sides of the square eight avenues extend to the exterior lines of the plot; and six other avenues cross these, dividing the ground into twenty sections, in the form of trapezoids, fourteen of which contain graves; the other six are reserved for ornamentation. A drive thirty feet wide extends around the center plot inside of the inclosure. The avenues vary from fifteen to thirty feet. They are well graded and are all graveled, likewise the walks between the rows of graves.

The ground is inclosed with a neat paling fence with oak posts, white-washed. The two gates opening on the turnpike and railroad are very indifferent. One half of the inclosure on the turnpike has a stone wall, erected by the men of a colored regiment; but when the orders came for the muster-out of service of their regiment, the work ceased, and has not since been resumed. The wooden inclosure is inside of the boundaries of the ground, to afford space for a stone structure. On the northern side of the cemetery there is a strip of land of four acres, in the center of which a lodge and stable have been erected. Near the turnpike is a deep well affording a limited supply of good water. This additional ground was unnecessary, as there was ample unoccupied space within the main gate-way for a lodge and garden, and where, according to the law, the lodge ought to have been placed.

The graves are well sodded, and are furnished with headboards painted white and lettered black. The old forest trees are dying out. Quite a number of evergreens and some forest trees have been set out; many more are required.

The interments number six thousand one hundred and twenty-one, (6,121,) of which number forty eight (48) officers, three thousand seven hundred and two (3,702) white soldiers, one hundred and two (102) colored soldiers are known; and four (4) officers, two thousand one hundred and eighty (2,180) white soldiers, and eighty-five (85) colored soldiers are unknown. The bodies were brought from the battle-field of Stone River, the burial-grounds of the various field hospitals in the vicinity, the city cemetery at Murfreesboro, and the various hospital burial-grounds in and around the town; from the line of the Nashville and Chattanooga railroad north as far as La Vergne, Rutherford County, and south to Cowan Station, in Franklin County; from Readyville, in Rutherford County; McMinnville, in Warren County; Shelbyville, in Bedford County; Fayetteville, in Lincoln County; Lebanon, in Wilson County, and from Guy's, Hoover's and Liberty Gaps, and from a number of other places within a radius of sixty miles. The cost of the grounds was \$1,600.

The expenditures amount to \$15,056 43. The cost of the work done by the colored soldiers is not included in the above amount.

The men of General Hazen's brigade, fifty-six (56) in number, all known, are buried about one-fifth of a mile southeast of the cemetery, in a square containing about one acre, on the ground where the brigade fought and made their brilliant charge, driving the rebels before them.

The little cemetery is inclosed with a heavy stone wall, in the center of which a substantial stone monument commemorative of the event is erected. Stone slabs are placed at the head of the graves with suitable inscriptions. The expense of the work was borne by the brigade.

L. S. Doolittle, a discharged private of Company C, ninety-sixth regiment of Illinois volunteers, is the superintendent, whose appointment

is dated October 3, 1867. He is attentive to his duties, and has the cemetery in excellent order.

Nashville cemetery.—Inspected February 16, 1869.

This cemetery is situated six miles north of the city of Nashville, in Davidson County, on the west side of the Gallatin turnpike, on which it fronts. The Louisville and Nashville railroad runs through it, nearly parallel to the turnpike, dividing the ground into nearly two equal parts. This is objectionable, as the cemetery is necessarily left open where the railroad enters and leaves the ground, rendering it difficult to keep out stock. It would have been far better to have located the entire cemetery west of the railroad. The tract contains sixty-four and forty-eight hundredths acres; in figure nearly a square. The ground is undulating, and on the west side of the railroad, where there are a number of forest trees, it is quite picturesque. The engineers had the good taste to make their plans according to the features of the ground. All the avenues and walks are serpentine, thus avoiding cutting down slopes and filling up hollows, which parallel avenues would have rendered necessary. The main avenue, commencing at the gate of entrance on the turnpike, passes under the embankment of the railroad at its highest point. It is twenty-five feet wide, the others being sixteen feet wide, and the walks four feet wide. These divide the ground into upward of thirty irregular plots for burial purposes, and for ornamentation. The aggregate length of the avenues is nearly four miles. A circle has been made near the entrance of the railroad for a monument, should one be erected, on which a flag-staff has been placed. The avenues and walks are all macadamized or graveled.

The ground is enclosed with a paling fence, which requires white-washing. There is a neat gate of entrance, the cedar posts for which were presented by the Hon. Mr. Kercherd, of the Tennessee legislature. Except on the turnpike, the fence is set thirty feet within the exterior line of the plot.

A lodge has been erected. The railroad well, within the grounds, sixty feet deep, affords an abundance of good water. A small stream of water enters the cemetery at the northwest angle, flows through the center of the ground, and passes out near the main gate. Another water-course, caused by the rain, runs from the south side near the east border, and passes out near the gate. The water of the main drain is kept in its channel by a substantial stone wall; the other drain is similarly protected. Into these two drains the surface water is carried off by gutters of stone, making the drainage perfect.

A space of ten by five feet has been appropriated for each grave, and the graves in the sections are made parallel to the avenues. The graves are not sodded, but blue grass has been sown on them. A border six feet wide is left around each burial section, well sodded. The graves have numbered stakes. The old headboards are preserved and numbered. Many of the forest trees are dying out. Some cedar trees have been set out, procured from a fund of two hundred dollars contributed by several ex-officers of the army; a part of the fund is still unexpended.

The interments number sixteen thousand four hundred and eighty-six (16,486;) of which number thirty-eight (38) officers, ten thousand three hundred (10,300) white soldiers, fourteen hundred and forty-seven (1447) colored soldiers, and seven hundred and three (703) employés are known; and three thousand five hundred and six (3,506) white soldiers, four hundred and sixty-three (463) colored soldiers, and twenty-

nine employes are unknown. The bodies were removed in Tennessee from the battle-field and burial-grounds in the vicinity of Nashville, McGarock's cemetery, Lower Edgefield, Edgefield Station, and camp of the twelfth regiment colored troops, in Davidson County; Charlotte, and Charlotte Turnpike, Gillin's Station, and Burns's Station, in Dickson County; section fifty-three of the Nashville and North Western railroad, and the line thereof, and line of the Edgefield and Kentucky railroad, Gallatin, Hartsville, and Castillion Springs, and Richland Station, in Sumner County; Springfield and Tyre's Springs, in Robertson County; Triune, in Williamson County; Carthage, in Smith County; Johnsonville, Waverly, and McEwan's Station, in Humphreys County; Kingston Spings, in Cheatham County; and from Yellowbanks, Trestle, and Newcomb's Station. In Kentucky, from Franklin, in Simpson County; Bowling Green, Woodburn, and Smith's Grove, in Warren County; Cave City, in Barren County; Fountain Grove, in Monroe County; and from Buck Lodge Station, and South Tunnel. The ground cost \$9,658 65.

The expenditures amount to \$67,338 05. William A. Graham, a discharged private of Company A, Forty-fifth Regiment of Infantry, is the superintendent, whose appointment is dated August 6, 1867. He is attentive to his duties, and has the cemetery in excellent order.

Fort Donelson.—Inspected February 17, 1869.

This cemetery is situated on the left bank of the Cumberland River, adjoining the town of Dover on the west, in Stewart County, about one mile from the battle-field of Fort Donelson. It occupied the site of a redoubt erected by the Union troops some time subsequent to the capture of Fort Donelson. This would have made an interesting feature, and within the work very many of the dead could have been interred; but, unfortunately, an inexperienced officer was in charge, who not only leveled it with the ground, but also, at great expense, cut off seven feet of the apex of the hill, thus entirely marring its beauty. The ground was very rough and broken, especially on the river side, where the descent was very abrupt and cut up with deep gullies. Heavy sustaining walls of stone had to be built on the slope to protect the burial portion. A heavy stone wall, three feet high, has now been erected, connected with these sustaining walls, but without coping stones, as they could not be dressed from the hard rough stone, except at great expense. The top of the wall will be laid in cement. The amount of ground thus inclosed, which contains all the graves, is three and a half acres. The entire plot contains fifteen and three-fourths acres, which is mostly inclosed with a paling fence. That portion of the fence toward the town exterior to the stone wall can be removed and replaced to advantage elsewhere. The gate is very neat, the columns being two large and two small cannon. A well-made road from the gate of entrance through the public ground connects with a public road leading to Dover.

The ground is an irregular figure of four sides. A serpentine avenue thirty feet wide extends from the gate around the burial portion, which, with other avenues of lesser width, divides the ground into seven unequal and irregular divisions, which are again subdivided by paths, into a number of smaller burial lots. In the center, on the highest point, is a circle of thirty feet in diameter, from which the ground falls in every direction; and when the drains now in course of construction shall have been completed, the drainage will be perfectly good. A lodge has

been erected, also a flag-staff and a cistern have been built. The avenues and walks are nearly all covered with broken stone. The graves are not sodded, and grass seed will have to be sown. There is some sod on the borders of the sections. The graves are marked with lettered stakes. Trees and shrubbery are necessary.

The interments number six hundred and seventy, (670,) of which number one hundred and fifty-three (153) white soldiers, four (4) colored soldiers, and one (1) employé are known; and five hundred and three (503) white soldiers, eight (8) colored soldiers, and one (1) employé are unknown. The bodies were removed in Tennessee from the battlefield of Fort Donelson, the several field hospitals, the Dover village burial-ground in Russell County, and from Clarksville, in Montgomery County. In Kentucky, from Hopkinsville, in Christain County, Russellville, in Logan County, Smithland, in Livingstone County, and other towns in the State, and from all intermediate points on the Cumberland River above and below the cemetery. The cost of the cemetery was \$920.

The expenditures amount to \$49,907 96. The expenditures on the cemetery, when taking into view the number of interments, (670,) must be regarded as very extravagant, the cost being upward of seventy-four dollars per man. Better, far, that the bodies should have been removed to the Nashville cemetery, which could have been done at little cost. Alfred B. Tuttle, a discharged private of Company F, fifteenth regiment, of New York cavalry, is the superintendent, whose appointment is dated June 1, 1868. He is attentive to his duties, and has the cemetery in good order.

Recapitulation of interments in Tennessee.

Cemeteries.	White.							Colored.			Aggregate.
	Known.			Unknown.			Total.	Soldiers, known.	Soldiers, unknown.	Total.	
	Officers.	Soldiers.	Employés.	Officers.	Soldiers.	Employés.					
Memphis	28	4,824	45	5	4,847	8	9,757	250	3,959	4,209	13,966
Shiloh.	27	1,196	1	3	2,355	....	3,582	.....	1	1	3,583
Chattanooga.....	192	7,694	14	7	4,162	....	12,069	758	20	778	12,847
Knoxville	25	1,965	14	....	1,007	1	3,012	73	68	141	3,153
Stone River	48	3,767	....	4	2,180	....	5,999	102	85	187	6,186
Nashville	38	10,300	703	....	3,506	29	14,576	1,447	463	1,910	16,486
Fort Donelson.....	....	153	1	....	503	1	658	4	8	12	670
Total.	358	29,899	778	19	18,560	39	49,653	2,634	4,604	7,238	56,891

STATE OF KENTUCKY.

The Union dead in this State are buried in five different cemeteries, viz: in the national cemeteries at Camp Nelson, Lebanon, and Mill Springs or Logan Crossroad, and in the civil cemeteries at Lexington, Danville, and Cave Hill, at Louisville. The bodies in the civil cemeteries at Perryville, Covington, Richmond, London, and Frankfort were removed to Camp Nelson; those at Tompkinsville and the Eastern cemetery at Louisville, to New Albany, Indiana.

Camp Nelson cemetery.—Inspected February 23, 1869.

This cemetery is situated within the extensive field-work called Camp Nelson, for the late general of that name, established on a bend of the Kentucky River, in Jessamine County, fifteen miles from Lexington and six miles from Nicholasville. To this latter place there is railroad connection with Lexington, Louisville and Covington, also a turnpike road from Nicholasville to the cemetery.

It was originally designed only for the dead from the troops at the camp, which, in addition to its being a depot for the supply of troops, was designated as a position for the organization of colored troops.

With this view about three acres of ground were selected on an elevated hill near the turnpike, and laid out in the form of a rectangle, divided into four equal sections, for burial purposes, by two avenues thirteen feet wide, crossing each other at right angles. In the center is a circle forty-six feet in diameter, on which a flag-staff has been erected. It having been determined to remove to this cemetery the bodies from five civil cemeteries in the State, the ground was enlarged so as to contain eight acres. It was extended on the crest of the hill to the south and west, and the hill being very abrupt in some places, the cemetery presents a very irregular figure of seven sides. The additional ground, by serpentine avenues, is divided into irregular burial sections, to contain the bodies removed from the five civil cemeteries.

The ground is inclosed with a substantial stone wall, with coping stones, obtained from an excellent material near the cemetery. The avenues and walks are all macadamized and graveled. The graves are all sodded and marked with stakes properly numbered. The drainage is good. A lodge has been erected near the gate of entrance on the west side. There are no trees or shrubbery in the grounds.

The interments number three thousand six hundred and thirty-eight, (3,638,) of which number eight (8) officers, fourteen hundred and eighty-six (1,486) white soldiers, eight hundred and sixty-seven (867) colored soldiers, and eighty-eight (88) employés, are known; and one (1) officer, eleven hundred and eighty-three (1,183) white soldiers, and five (5) colored soldiers are unknown.

The original interments from the troops and employés at the camp number sixteen hundred and fifteen (1,615.) The bodies removed from Perryville, in Boyle County, number nine hundred and seventy-five, (975;) from London, in Laurel County, and Richmond, in Madison County, five hundred and seven, (507;) and from Frankfort, in Franklin County, and Covington, in Kenton County, five hundred and forty-one, (541.) Besides the original interments, bodies were removed from Nicholasville, in Jessamine County; Stanford, in Lincoln County; Lancaster, in Garrard County; battle-ground of Perryville and its vicinity, Camp Dick Robinson, and Antioch Church, in Boyle County; Harrodsburg, in Mercer County; Loudon and its vicinity, in Laurel County; Barboursville and its vicinity, in Knox County; Boston and its vicinity, in Nelson County; Williamsburg, in Whitley County; Mount Vernon and its vicinity, in Rock Castle County; Covington, in Kenton County; Frankfort, in Franklin County; and Richmond, in Madison County; including those removed to Richmond from Rogersville, Kingston, Big Mill, and Irvine, in Estille County. Bodies were also removed from a number of other places in the above-named counties.

The expenditures amount to \$36,140 09. The expenditures were made by Brevet Colonel E. B. Whitman, assistant quartermaster of volunteers. Ewald Schneider, a discharged private of Battery H, Fifth

Regiment of Artillery, is the superintendent, whose appointment is dated November 26, 1867. He is attentive to his duties, and has the cemetery in good order.

Lebanon cemetery.—Not inspected.

This cemetery is situated one and a half mile southwest of the city of Lebanon, in Marion County, and is approached by the Lebanon and Campbellsville turnpike to within a quarter of a mile, from which it is accessible by a common road. During the rebellion it was obtained for a burial place for Union soldiers. The original tract contained two acres, to which an additional strip of land of three-eighths of an acre was added on which to erect a lodge. This makes the entire plot two acres and three-eighths.

The ground is in the form of a triangle of two long sides with a short line for the base. It is divided by avenues twelve and six feet wide into five sections for burial purposes, and seven small triangles for ornamentation. There is an exterior avenue within the inclosure twelve feet wide.

It is inclosed with a substantial stone wall and neat gate. At the perpendicular base of the triangle by the gate of entrance a lodge has been erected and a small house for the preservation of the original headboards, and a stable is at its apex. The avenues and walks are all graveled. The graves are all sodded and marked with stakes properly numbered. The drainage is good. A flag-staff has been erected.

The interments number eight hundred and sixty-five, (865,) of which number five hundred and eighty-two (582) white soldiers, one (1) employé are known; and two hundred and eighty-one (281) white soldiers, and one (1) employé are unknown. The bodies were removed from Lebanon and its vicinity, in Marion County; Rolling Fork, New Market, New Haven and Bardstown, and its vicinity, in Nelson County; Greensburg, in Green County; Campbellsville and Saloma, in Taylor County; Neatsville, in Adair County; Crab Orchard and its vicinity, in Lincoln County; Greenbrier River bridge and Calvary Church, embracing a region of fifty miles.

The expenditures amount to \$15,922 03. The expenditures were made by Brevet Colonel E. B. Whitman, assistant quartermaster of volunteers. Charles Gohe, a discharged sergeant of Company F, Nineteenth Regiment of Infantry, who is represented as attentive to his duties, and has the cemetery in good order.

Mill Springs cemetery.—Not inspected.

This cemetery is situated upon the Mill Spring battle-field at Logan's Cross Roads, in Pulaski County. It is distant from Somerset in that county nine miles, and from Jamestown, in Russel County, twenty-five miles. The gate of entrance on the south side opens on the road leading to those places. The burial portion is in the form of a polygon of six sides, with an added strip of land on the west side for a lodge, which has been erected, and a garden, containing altogether three acres. The ground was donated to the United States by Mr. W. H. Logan. In the center of the polygon is a square whose sides are forty-eight feet, designed as a monumental site, on which a flag-staff has been erected. Around this square is an avenue sixteen feet wide, and from the centers of the sides of the square are avenues at right angles to each other fourteen, eight, and six feet wide, making four divisions. The two southern divi-

sions are again divided by avenues six feet wide, making in all six divisions for burial purposes. Exterior to these is an avenue or drive fourteen feet wide, and a border eight feet wide.

It is inclosed with a substantial stone wall and neat gate, opening on the road leading from Somerset to Jamestown. The avenues and walks are all graveled. The graves are all sodded and marked with stakes properly numbered. The drainage is good.

The interments number seven hundred and seven, (707,) of which number five (5) officers, three hundred and thirteen (313) white soldiers, twenty (20) colored soldiers, and one (1) employé are known; and three hundred and fifty-six (356) white soldiers, eleven (11) colored soldiers, and one (1) employé are unknown. The bodies were removed from the battle-field of Mill Springs and its vicinity, and Waitsboro, in Pulaski County; from several places on the Cumberland River, from Burnside Point to Jamestown, in Russell County; from battle-field of Monticello or Gap in the Ridge, in Wayne County; Columbus and its vicinity, in Adair County; battle-field of Greasy Creek, and from other places within a radius of from twenty-five to forty miles.

The expenditures amount to \$16,757 54. The expenditures were made by Brevet Colonel E. B. Whitman, assistant quartermaster of volunteers. James Burke, a discharged sergeant of Company K, veteran reserve corps, is the superintendent, whose appointment is dated August 6, 1867. He is represented to be faithful in the discharge of his duties, and has the cemetery in good order.

Lexington cemetery.—Inspected February 22, 1869.

The Union dead buried at Lexington, in Fayette County, occupy three-fourths of an acre in the city cemetery, one and a half mile from the city. The ground was partly the gift of the cemetery corporation and partly by purchase.

It is very nearly in the form of a triangle. The front is on the main avenue, from which an avenue extends to a circle thirty-six feet in diameter near the center of the plot. Around this circle the bodies are buried in concentric circles. The avenues and walks are all graveled. The graves are all sodded and marked with stakes properly numbered. The drainage is good. A flag-staff has not been erected. There are a few trees in the government plot. The cemetery company will grant a lease, without cost, of half an acre of land for a lodge, so long as it will be required for such purpose. A lodge seems to be unnecessary.

The interments number nine hundred and forty-four, (944,) of which number four (4) officers, seven hundred and fifty-eight (758) white soldiers, fifty-three (53) colored soldiers, and twenty-three (23) employés are known; and one hundred and one (101) white soldiers, four (4) colored soldiers, and one (1) employé are unknown. The interments originally made were from deaths in the hospital established at Lexington, and from the troops encamped in the neighborhood—in number, seven hundred and fifty, (750.) It was for these bodies that the cemetery association granted the land. The other bodies were removed from the farm of Jesse Baker, two miles distant, from Mount Sterling and its vicinity, in Montgomery County, Paris, in Bourbon County, Cynthiana, in Harrison County, on the line of the Kentucky Central railroad, as far as Falmouth, in Pendleton County, and from several other places in these counties.

The expenditures amount to \$16,811 74. The expenditures were made by Brevet Colonel E. B. Whitman, assistant quartermaster of volunteers.

There is no superintendent at the cemetery, nor is one needed, as the graves will be properly cared for by the cemetery association.

Danville cemetery.—Not inspected.

The Union dead buried at Danville, in Boyle County, occupy eighteen lots in the northwest corner of the city cemetery, just north of the town.

The walks are not graveled. The graves are all sodded, and marked with stakes properly numbered. The drainage is good.

The interments number three hundred and fifty-five, (355,) of which number one (1) officer, three hundred and forty-five (345) white soldiers, and one (1) employé are known; and eight (8) white soldiers are unknown. The interments were originally made from the hospitals established at the place. A few bodies were removed from South Danville, Hustonville, in Lincoln County, and Middleburg, in Casey County.

The expenditures amount to \$18,843. The expenditures were made by Brevet Colonel E. B. Whitman, assistant quartermaster of volunteers.

There is no superintendent at the cemetery, nor is one needed. The graves can be kept in order at little expense.

Cave Hill cemetery.—Inspected February 20, 1869.

This is an incorporated cemetery, in a portion of which the Union dead are buried in four divisions. One division on Cypress avenue, containing eight hundred and sixty-five burials, was donated by the cemetery association. The other three, purchased by the general government, bordering south on Maple avenue, are situated on a gentle slope extending northward to and skirting a small lake. The first division is a plateau on which the graves are arranged in parallel lines. In the other divisions the graves are arranged in lines parallel to the center curve of Maple avenue. The walks are all graveled. The graves are all sodded and furnished, some with headboards, and some with stakes, all properly lettered and numbered. A flag-staff has not been erected. The drainage is good. There is no inclosure to the ground, nor is one necessary. A lodge has been erected a short distance beyond the cemetery, which I found rented, and the rental—\$10 per month—given to the superintendent of the civil cemetery, in consideration of his keeping the graves of the Union soldiers in good order. This measure has been disapproved of by the Quartermaster General. A superintendent has not been appointed, nor is one necessary. But little expense will be necessary to keep the graves in good order.

The interments number three thousand nine hundred and ten, (3,910,) of which number six (6) officers, three thousand three hundred and eight (3,308) white soldiers, nine (9) colored soldiers, and twenty-four employés are known; and four hundred and five (405) white soldiers, one hundred and fifty-seven (157) colored soldiers, and one (1) employé are unknown. The interments originally made were from deaths in the hospitals established in Louisville, and from the troops encamped in the neighborhood—in number, three thousand one hundred and seventy-two, (3,172.) Three hundred and ten (310) were removed from Munfordsville, in McCracken County; seventy-three (73) from Woodville and its vicinity, in McCracken County; thirteen (13) from Shepardsville and its vicinity, in Bullitt County; fifty-six (56) from the vicinity of Red Mills; twenty-six (26) from Elizabethtown, in Hardin County; twenty-three (23) from the vicinity of Belmont, in Bullitt County; forty-four (44) from the vicinity of Colesburg; thirteen (13) from Nolans Station and its

vicinity; four (4) from Sonora and its vicinity; seven (7) from the vicinity of Lebanon, in Marion County; ninety-five (95) from Henderson, in Henderson County; forty-seven (47) from Owensborough, in Daviess County, and from several other places.

The expenditures amount to \$47,505. The expenditures were made by Brevet Colonel E. B. Whitman, assistant quartermaster of volunteers.

Brigadier General William Nelson, of volunteers, an officer of the navy, who, early in the rebellion, had a command in Kentucky, and organized the first troops in that State at Camp Dick Robinson, is buried, by his own request, on the camp-ground. His grave is inclosed with a paling fence.

Recapitulation of interments in Kentucky.

Cemeteries.	White.							Colored.			
	Known.			Unknown.			Total.	Soldiers known.	Soldiers unknown.	Total.	Aggregate.
	Officers.	Soldiers.	Employés.	Officers.	Soldiers.	Employés.					
Camp Nelson.....	8	1,486	88	1	1,183	....	2,766	867	5	872	3,638
Lebanon.....	....	582	1	....	281	1	865	....	....	....	865
Mill Springs.....	5	313	1	....	356	1	676	20	11	31	707
Lexington.....	4	758	23	....	101	1	887	53	4	57	944
Danville.....	1	345	1	....	8	....	355	....	....	....	355
Cave Hill.....	6	3,308	24	....	405	1	3,744	9	157	166	3,910
Camp Dick Robinson.....	1	....	....	....	....	....	1	....	....	....	1
Total.....	25	6,792	138	1	2,334	4	9,294	949	177	1,126	10,420

STATE OF OHIO.

The Union dead in this State are buried in the civil cemeteries at Gallipolis, near Cleveland, Columbus, and Cincinnati.

Gallipolis cemetery.—Not inspected.

This is a civil cemetery near the town of Gallipolis, in Gallia County.

The ground in which the Union dead have been buried has not yet been purchased. The price of the land in the vicinity is estimated at three hundred dollars per acre; certainly a very high estimate.

The walks are not graveled. The graves are not sodded, but they are furnished with headboards. The drainage is good. A flag-staff has not been erected.

The interments number one hundred and fifty-eight, (158,) of which number seventy-six (76) white soldiers, four (4) colored soldiers, and one (1) citizen, are known; and seventy-seven (77) colored soldiers are unknown.

The expenditures amount to \$1,232 75. The expenditures were made by Brevet Brigadier General J. D. Bingham, quartermaster.

It is recommended that these bodies be removed to the Spring Grove cemetery, near Cincinnati, Ohio.

Woodland cemetery.—Inspected September 9, 1868.

This is a civil cemetery, situated two and a half miles southeast of the city of Cleveland, in Cuyahoga County. Forty-one (41) bodies were removed from the cemetery on the west side of the Cuyahoga River, thirty-eight (38) known, and three (3) unknown.

The city owns three cemeteries; and in the other two, as well as in Woodland cemetery, there are a number buried in private lots.

The record of the forty-one (41) removals are recorded in a separate book, but the names of the others are scattered through the general record. All should be registered in a separate book.

The walks are all graveled, and the graves are all sodded, and are furnished with headboards.

The interments number forty-one (41,) of which number thirty-eight (38) white soldiers are known, and (3) white soldiers are unknown. Several Union soldiers are buried in a lot near the gate of entrance. It is suggested that they be removed to the lot containing the other graves, and that a flag-staff be erected. The change can be made without the purchase of additional ground. The graves in this cemetery are well cared for, and the superintendent of it manifests great interest in the preservation of them.

The expenditures amount to \$121 12. The expenditures were made by Brevet Brigadier General J. D. Bingham, quartermaster.

In the Roman Catholic cemetery, nearly opposite to that of Woodland, there are twelve (12) bodies, three (3) officers and nine (9) soldiers, all known. There are two monuments in the grounds, one over a sergeant. The graves are all well cared for.

In Oakwood cemetery, at Sandusky, in Erie County, there are eleven (11) bodies, all known.

At Johnson's Island there are the bodies of two hundred and six (206) rebel prisoners of war.

Green Lawn cemetery.—Not inspected.

This is a civil cemetery, situated two and a half miles southwest of the city of Columbus, in Franklin County, on the Harrisburg turnpike. The State authorities purchased a lot in it for the burial of the Union dead. It was judiciously selected, being a circle on elevated ground, in the center of which a circle, sixteen feet in diameter, has been laid off for a monument, should one be erected. The graves are arranged in seven circles around the center circle, with walks four feet wide between each double row of graves. Around the exterior of the ground is an avenue ten feet in width, and from this avenue a walk six feet wide leads to the center circle. All the graves are sodded and have headboards. The drainage is good.

The interments number four hundred and ninety-two, (492,) of which number one (1) officer, four hundred and seventy-three (473) white soldiers, and twelve (12) colored soldiers are known, and six (6) white soldiers are unknown. The expenditures amount to \$14,184. The expenditures were made by Brevet Brigadier General J. D. Bingham, quartermaster.

At Camp Ohio, near Columbus, the bodies of two thousand one hundred and thirty-one (2,131) rebel prisoners of war are buried.

Spring Grove cemetery.—Inspected December 5, 1868.

This is a civil cemetery, situated five miles north of the city of Cin-

cinnati, in Hamilton County, and is of easy approach by horse-railroad cars.

The ground in which the Union dead are buried was donated by the State authorities. The cemetery association buried the bodies free of charge.

The position is a beautiful one, skirting the edge of a picturesque little lake. The ground in the section is arranged in three consecutive knolls with a gentle swale between each of them. On the apex of each knoll is the grave of an officer, General George McCook, in section A, with headstone brought from Shiloh battle-field; Colonel F. Jones, in section B, and General Williams, in section C. Around the center of each knoll the graves are arranged in parallel circles. There are small mounds over the graves, and they are marked with stakes properly numbered. The grass on the graves was neatly trimmed. The drainage is good.

The interments number nine hundred and ninety-four, (994,) of which number nineteen (19) officers, nine hundred and forty-five (945) white soldiers, and two (2) colored soldiers are known, and twenty-eight (28) white soldiers are unknown. Three hundred and thirty-nine (339) bodies were removed from Camp Dennison. The other bodies were buried from the hospitals in the city of Cincinnati, and from a railroad accident.

A handsome monument, representing a soldier in marching order, on guard, has been erected on a small space near the soldiers' graves by voluntary contributions of the citizens of the State, at a cost of twenty-five thousand dollars.

A handsome monument to the memory of General William Haines Lytle, killed in battle at Chicamauga, September 20, 1863, has been erected by his family in their private lot, at the foot of which his body is interred.

The expenditures amount to \$4,176. The expenditures were made by Brevet Brigadier General J. D. Bingham, quartermaster.

It is pleasing to say that the authorities of this State have evinced special interest in reference to their honored dead, and have made efforts to perfect a complete list of their names to be deposited with the archives of the State.

Recapitulation of interments in Ohio.

Cemeteries.	White.				Colored.				Aggregate.
	Known officers.	Known soldiers.	Known citizens.	Unknown soldiers.	Total.	Known soldiers.	Unknown soldiers.	Total.	
Gallipolis.....		76	1	....	77	4	77	81	158
Woodland.....		38		3	41				41
Roman Catholic.....	3	9			12				12
Sandusky.....		11			11				11
Green Lawn.....	1	473		6	480	12		12	492
Spring Grove.....	19	945		28	992	2		2	994
Total.....	23	1,552	1	37	1,613	18	77	95	1,708

STATE OF MICHIGAN.

The Union dead in this State are buried in the little military grave-

yard at Fort Wagner, near Detroit, and the civil cemeteries of Elmwood, at Detroit, city cemetery at Jackson, and Oak Hill, near Grand Rapids.

Military cemetery at Fort Wayne, near Detroit, in Wayne County.—Inspected September 3, 1868.

This is a small graveyard on the government ground, containing about one-half of an acre. It is inclosed with a paling fence. The graves are all sodded except eight, containing the bodies recently removed from the potter's field.

The interments number twenty-three (23) white soldiers, all known. Deaths from the hospital in the city.

Elmwood cemetery.—Inspected September 3, 1868.

This is an incorporated cemetery at Detroit, in Wayne County, in which are buried, in a lot purchased by the government, in five rows of graves, sixty-two (62) white soldiers, all known; deaths from the hospital in the city. The graves are all well sodded. To five of the graves there are marble headstones; the others have headboards.

City cemetery at Jackson.—Inspected September 2, 1868.

This is an incorporated cemetery, which adjoins the city of Jackson, on the Michigan Central railroad, in Jackson County, on the southwest.

In a lot, purchased by the government, in the back part of the eastern side of the cemetery, the bodies of thirty (30) Union white soldiers are buried in four rows of graves. Twenty-seven (27) are known, and three (3) are unknown.

The ground is on a heavy slope, and the soil being light is liable to wash in heavy rains, and in consequence the graves are indifferently sodded. All the graves have headboards properly lettered.

Oak Hill cemetery.—Inspected September 4, 1868.

This cemetery is situated one and a half miles from the city of Grand Rapids, in Kent County, on the Detroit and Milwaukee railroad. It is owned by an individual, but is governed by a cemeterial committee of the city. The government lot is in the southwest corner of the plot, thirty-five by forty-eight feet. The bodies, numbering fifty-nine, (59,) are buried in four rows, of which number twenty-one (21) white soldiers are known, and thirty-eight (38) white soldiers are unknown.

The burials were made from the hospital in the city, and it is very singular that so many are unknown. No care seems to have been taken to preserve their identity. One headboard has simply the Christian name, another the initials J. B. W., Company B. In some cases the names are simply painted on the headboard, with a specification of the company or regiment. In no case is the State given to which the volunteers belonged. The record at the hospital, if one was kept, should have set forth the name, company, and regiment of every patient.

The graves are not sodded, and I found them overgrown to a considerable extent with weeds and bramble. The cemetery itself is in a miserable condition, overgrown with small oaks and a thick undergrowth.

It is inclosed with a common paling fence, not even whitewashed. The ground is flat and sandy.

In the Fulton street cemetery, near the city, are the graves of several officers, over whom marble monuments have been erected, viz: Major

P. A. Webber, killed at the battle of Falling Waters, July 14, 1863; Captain Samuel A. Jewel, of Company A, Third Michigan infantry, killed at Fair Oaks, Virginia, May 31, 1862; Captain James W. Sligh, of Company F, First Michigan regiment of engineers and mechanics, who died from wounds received at Tullahoma, Tennessee, October 23, 1863; Captain Benjamin K. Wetherwax, of Company C, Tenth Michigan cavalry, killed at Carter's Station, Tennessee, April 25, 1864. Also, without monuments, General Chamlin, and Charles Parks, a sailor. This cemetery is in good order, and the graves well cared for.

In the Roman Catholic burial ground are the graves of two (2) white soldiers, one buried from the hospital, the other from his home five or six miles distant; both known.

It is, perhaps, too late to recommend the removal of the bodies in this State, but in view of the condition of most of their graves, I would renew the recommendation heretofore made to concentrate them in a new cemetery recently established near Detroit, when, I believe, the citizens of the State would take pride in seeing to the careful preservation of the graves of our honored dead.

No special report has been made of expenditures in this State.

Recapitulation of interments in Michigan.

Cemeteries.	White.					Aggregate.
	Known.				Unknown soldiers.	
	Officers.	Soldiers.	Sailors.	Total.		
Fort Wayne.....		23		23		23
Elmwood.....		62		62		62
City.....		27		27	3	30
Oak Hill.....		21		21	38	59
Fulton street.....	5		1	6		6
Roman Catholic.....		2		2		2
Total.....	5	135	1	141	41	182

STATE OF WISCONSIN.

There is no national cemetery in this State, the Union dead being buried in civil cemeteries.

Forest Home Episcopal cemetery.—Inspected September 6, 1868.

This is an incorporated cemetery, situated four miles southwest of the city of Milwaukee, in the county of Milwaukee.

The four lots owned by the general government is nearly a parallelogram, with a curve at one end. It is about equal to a square of twenty-four feet, and cost forty cents a square foot. Around the plot is a walk five feet wide. The bodies are buried in three parallel rows, twenty-four (24) in all, and all known; leaving room in the ground for seven additional graves. The ground requires attention, there being no mounds over the graves, nor are they sodded. Headboards are also required.

The burials are from deaths in the general hospital in the city.

There are also forty-one (41) bodies buried in the cemetery in private

lots, of whom thirteen (13) are officers. All their graves are sodded, but are without headboards, except that over a few, monuments have been erected. They are all known.

In the plot belonging to the Soldiers' Home, there are four (4) bodies, two (2) being Indians buried by ladies; all known.

In the Calvary Roman Catholic cemetery, there are nine (9) bodies, all buried in private lots, except one buried in a lot donated by the bishop; all known.

In Green Haughton cemetery there are two (2) bodies, both known.

In St. John's cemetery there are seven (7) bodies; all known.

Total number in the several cemeteries near Milwaukee, eighty-seven, (87,) of which number thirteen (13) are officers, seventy-one (71) white soldiers, one (1) colored soldier, and two (2) Indians.

The ground in the Forest Home cemetery, costing five hundred and twenty-five dollars, (\$525,) has not been paid for.

The expenditures in the Forest Home cemetery amount to \$63. The expenditures were made by Brevet Brigadier General J. D. Bingham, quartermaster.

Forest Hill cemetery.—Inspected September 7, 1868.

This is an incorporated cemetery, situated two miles west of the city of Madison, in Dane County.

The ground is in the form of a rectangle, one hundred and sixty feet by seventy-four, donated to the general government by the city authorities of Madison.

It is inclosed with a low, two-rail fence, and in the center of the longest side is a gate of entrance to an avenue twenty feet wide, in the center of which is a small rectangle designed for a monument or a flag-staff, which latter is recommended to be erected. On either side of this avenue are six rows of parallel graves.

The graves are all sodded and have headboards of four different patterns, painted white and lettered black. To twelve of the graves, headstones have been erected.

There are a few small oak-trees in the grounds, but the plot is overgrown with grass and is not in the order it should be.

Originally the burials numbered two hundred and twenty-two, (222,) but three (3) have been removed, leaving two hundred and nineteen, (219,) of which number one (1) officer, and one hundred and ninety-five (195) white soldiers are known, and twenty-three (23) white soldiers are unknown. The burials were from the general hospital in the city.

There are also one hundred and thirty-seven (137) rebel soldiers buried in this cemetery.

No special report of expenditures has been made.

Mound cemetery.—Not inspected.

This is an incorporated cemetery situated at Racine, in Racine County. The ground was purchased from the city authorities of Racine, at a cost of forty dollars, which amount has not yet been paid.

The graves are all sodded, and have headboards.

The interments number forty, (40,) of which number four (4) officers, and twenty-six (26) white soldiers are known; and ten (10) white soldiers are unknown. The burials were from deaths in the hospital and from Camp Utley, nearly three miles distant.

The expenditures amount to \$82 50. The expenditures were made by Brevet Brigadier General J. D. Bingham, quartermaster.

Fort Crawford cemetery.—Not inspected.

The bodies are buried on the military reservation. They were removed from the city cemetery of Prairie du Chien, in Crawford County, distance two miles. The graves are all sodded and have headboards.

The interments number seventeen, (17,) of which number four (4) white soldiers are known, and thirteen (13) white soldiers are unknown.

The expenditures amount to \$68 45. The expenditures were made by Brevet Brigadier General J. D. Bingham, quartermaster.

At Rienzi, in Fond du Lac County, there are twelve (12) bodies; all known.

In Oak Hill cemetery, at Janesville, in Rock County, there are thirteen (13) bodies; all known.

At Ripon City, in Fond du Lac County, there are nine (9) bodies; all known.

At Oshkosh, there are seven (7) bodies; all known.

At Kenosha, in Kenosha County, there are three (3) bodies; all known.

At Green Bay, in Brown County, there are three (3) bodies; all known.

At Joliet, there are two (2) bodies; both known.

A number of bodies were buried in civil cemeteries in the State, in private lots, at the expense of relations and friends.

Recapitulation of interments in Wisconsin.

Cemeteries.	White.			Soldiers unknown.	Aggregate.
	Known.				
	Officers.	Soldiers.	Indians.		
Forest Home.....	13	54	2	.....	69
Calvary.....	.....	9	.....	.....	9
Green Haughton.....	.....	2	.....	.....	2
St. John's.....	.....	7	.....	.....	7
Forest Hill.....	1	195	.....	23	219
Mound.....	4	26	.....	10	40
Fort Crawford.....	.....	4	.....	13	17
Rienzi.....	.....	12	.....	.....	12
Oak Hall.....	.....	13	.....	.....	13
Ripon City.....	.....	9	.....	.....	9
Oshkosh.....	.....	7	.....	.....	7
Kenosha.....	.....	3	.....	.....	3
Green Bay.....	.....	3	.....	.....	3
Joliet.....	.....	2	.....	.....	2
Total.....	18	340	2	46	412

STATE OF INDIANA.

There is but one national cemetery in this State, that at New Albany. The other Union dead in this State, are buried in ninety-four (94) civil cemeteries, and other places.

New Albany cemetery.—Inspected February 20, 1869.

This cemetery is situated within the city limits of New Albany, in Floyd County, one mile nearly east of the court-house, in an entirely unimproved part of the city, to which cemetery, or by which, has any street been opened. This statement is made in consequence of a resolution of

the corporate authorities requiring the government to take down the west wall, on the ground that it obstructed Beeler street and prevented travel. The western terminus of the street alluded to, as the plan of the city will show, and which was examined, is several hundred yards distant from the cemetery, and travel has not been abstricted, for there has not been a highway through the grounds. As well might the authorities of the city require part of the south and north walls to be taken down, that another street parallel to Beeler street, which, if similarly extended, would pass over the graves in the center of the cemetery. These three walls are five feet within the government limits. For a strip of land three hundred and seventy feet by twenty-five feet wide, outside of the wall, the owner thereof asks two thousand dollars. The extreme value of the land is about four hundred dollars per acre. If at any time the city should order the extension of Beeler street, a slight deflection would take it beyond the wall, and cause no injury either to the government or the owner of the land, for he would doubtless receive just remuneration from the city.

The cemetery is a rectangle, seven hundred and twenty feet by three hundred and sixty feet, and contains five acres. It fronts on a road made on the government ground which connects with a street of the city.

It is inclosed with a substantial wall of sandstone, based upon limestone, and coped with sawn limestone, two feet broad. The entrance gate is a neat one of wood. From this gate a broad avenue running west, crossed at right angles by two others, divides the ground into four equal burial sections, and two smaller plots near the gate, on one of which a lodge has been erected, and on the other a small building to contain the original headboards. In the main avenue are three circles, around which the avenue passes; the first contains a flag-staff, in the second a well and pump, and on the third a temporary wooden monument has been placed. Within the wall is a border for ornamentation. A very small rivulet runs from a spring in the northwest burial section, affording good drainage to the entire ground. The avenues and walks are macadamized. The graves are sodded and marked with stakes. There are a few trees in the grounds.

The interments number two thousand eight hundred and seven, (2,807,) of which number thirteen hundred and sixty-seven (1,367) white soldiers, seven hundred and fifty-seven (757) colored soldiers, eleven (11) employés are known; and four hundred and ninety-seven (497) white soldiers, and one hundred and seventy-five (175) colored soldiers are unknown. The bodies were removed, in Indiana, from the city cemetery and soldiers' graveyard at New Albany, in Floyd County; city cemetery and soldiers' graveyard at Jeffersonville, in Clarke County, and Madison, in Jefferson County. In Kentucky, from three cemeteries in Louisville and Jeffersontown, in Jefferson County; Smithland, in Livingston County; Princeton, in Caldwell County; New Haven and its vicinity, in Nelson County; Hodgenville, in Larue County; West Point, in Hardin County; Piketon, in Pike County; Hawe's Ford, in Hancock County; Prestonburg and its vicinity, in Floyd County; Paintsville and its vicinity, in Johnson County; Louisa and its vicinity, and Peach Orchard, in Lawrence County; Ashland and Cattlesburg, in Boyd County; Maysville, in Mason County; Flemingsburg, in Fleming County; Calhoun and its vicinity, Sacramento and Rumsey, in McLean County; Madisonville, in Hopkins County; Trey's Mountain, Big Sandy River, Big Paint Creek, and on the line of the Louisville turnpike. In Virginia, from Barboursville, in Knox County;

Ceredo, Wayne County, and from Guyandotte. In West Virginia, from Wyoming Court House and its vicinity, in Bath County; the Guyandotte River, in Cabelle County; Chapmansville, in Logan County; Toney's Branch of Coal River, and Beech Creek. The removals were made from about sixty-eight different places. Most of those removed were from deaths in hospitals established at convenient points. Quite a number, however, were taken from places where they laid down their lives in conflict with the enemy.

The expenditures amount to \$20,441 56. The expenditures were made by Brevet Colonel E. B. Whitman, assistant quartermaster of volunteers. John Jay Smith, a discharged sergeant of Company H, Thirty-third Regiment of Infantry, is the superintendent, whose appointment is dated August 20, 1868. He is attentive to his duty, and has the cemetery in good order.

Crown Hill cemetery.—Not inspected.

This is an incorporated cemetery, situated near the city of Indianapolis, in Marion County, containing two hundred and sixty acres, in which the general government purchased a plot of ground containing an acre, at a cost of five thousand dollars. It is on an elevation sloping to the south, and is nearly in the form of a triangle. It is divided into two equal sections for burial purposes, by a walk six feet wide, extending from the southern entrance of the lot to a circle in the center of the northern side. A drive thirty feet wide surrounds the entire ground. In one of the burial sections there are eleven rows of graves, and in the other eight, separated from each other by walks, some four and some two feet in breadth. The walks are not graveled. The graves are not sodded, but are furnished with headboards. The drainage is good. A flag-staff has been erected. Trees and shrubbery for ornamentation can readily be obtained.

The interments number seven hundred and eight, (708,) of which number one (1) officer, six hundred and forty-one (641) white soldiers, and thirty (30) colored soldiers are known, and thirty-six (36) white soldiers are unknown. The bodies were removed from Green Lawn cemetery, in Indianapolis. They were deaths from the general hospital in the city.

The expenditures amount to \$11,972. The expenditures were made by Brevet Brigadier General J. D. Bingham, quartermaster. John Trindle, a discharged private of Company F, fifteenth regiment New York cavalry, is the superintendent, whose appointment is dated September 27, 1867. He is attentive to his duties, and has the cemetery in good order.

In the Green Lawn cemetery are the bodies of fifteen hundred and fifty-six (1,556) rebel soldiers.

Oak Hill cemetery.—Inspected February 25, 1869.

This is a civil cemetery, situated near the city of Evansville, in Vanderburg County, in which the general government purchased a lot for three hundred dollars.

The graves are well arranged and in good order. They are sodded and have headboards. The drainage is good.

The interments number five hundred and ninety-six, (596,) of which number one (1) officer, five hundred and fifty-four (554) white soldiers,

and thirty-three (33) colored soldiers are known, and eight (8) white soldiers are unknown. The deaths were from the general hospital at the place.

No special report of expenditures has been made.

Beside the foregoing, the following number of bodies of Union soldiers are buried in the State: In Linwood cemetery, at Fort Wayne, in Allen County, seventeen, (17.) In Bartholomew County, in Ohio Township, one, (1.) In Boone County, Thornton cemetery, nineteen, (19;) Sugar Ridge Township, two, (2.) In Clay County, in Perry Township, one, (1;) Carter Point, four, (4;) Shiloh cemetery, one, (1;) Friendly Grove cemetery, one, (1.) In Crawford County, six, (6.) In Dearborn County, in the following townships, viz: Miller, three, (3;) Casar Creek, two, (2;) Harrison, four, (4,) and Segar one, (1.) At Decatur City, in Adams County, eight, (8.) Methodist cemetery, at Decatur, four, (4.) At De Kalb County cemetery, six, (6;) cemetery near Spencersville, one, (1.) In Fountain County cemetery, four, (4.) In Portland County cemetery, one, (1.) In Ebenezer Chapel cemetery, at Bloomington, Mound County, one, (1.) In Franklin County, in Pepperton cemetery, one, (1;) cemetery near Metamora, one, (1;) cemetery near Trenton, two, (2.) In Green County, in Lebanon cemetery, three, (3;) in Blensoe's Pl. ground, one, (1;) Hancock Pl. ground, one, (1;) Green County cemetery, one, (1;) Ellensworth's Pl. ground, one, (1.) Near Bradford, in Harrison County, two, (2.) In Harrison County cemetery, one, (1.) In Henry County, near Lisbon, three, (3;) Spiceland cemetery, ten, (10;) Blue River cemetery, three, (3;) Wayne cemetery, eleven, (11;) and in the following townships, viz: Stony Creek, four, (4;) Jefferson, four, (4;) Franklin, five, (5;) Dudley, three, (3;) Liberty, (2;) Henry, nine, (9;) Greensboro, two, (2;) Harrison, fifteen, (15;) Fall Creek, eight, (8;) Prairie, seven, (7.) In Walcottsville, in Lagrange County, one, (1.) In Lawrence County, one, (1;) and at Springville, seven, (7.) In Green County, one, (1.) In Madison County, at Mount Carmel, one, (1;) near Alfonte, one, (1;) Cumberland, two, (2.) In Hancock County, one, (1.) In Marion County, one, (1.) At Athlone, in the same County, eight, (8.) In Monroe County, one, (1.) In Montgomery County, twelve, (12.) In Noble County, one, (1;) at Lisbon, in the same county, one, (1.) In Ohio County, at Evansville, one, (1;) at Rising Sun, eighteen, (18.) In Orange County, at Paoli, six, (6.) In Owen County, four, (4;) at Gosport, eight, (8;) and Spencer one, (1,) in the same county. In Parke County, five, (5;) at Catlin, in the same county, four, (4.) In Shelby County, at Shelbyville, two, (2.) In Sullivan County, one, (1;) at Athlone, four, (4;) New Lebanon, three, (3;) and Evansville, one, (1,) in the same county. In Switzerland County, at Alleville, one, (1;) Bennington, five, (5;) Patriot, one (1.) In Vigo County, three, (3;) Washington, one, (1.) Atheme, five, (5.) In Warren County, at Pine Village, three, (3;) Washington, two, (2.) In Wayne County, two, (2;) and at Hillsboro, three, (3;) Elkhorn, one, (1;) Centreville, one, (1;) Richmond, eleven, (11;) Cambridge City, six, (6;) Washington, six, (6;) Haynstown, one, (1;) Abington, one, (1;) and in the following townships in the same county, viz: Talton, one, (1;) Harrison, one, (1;) and Milton, one, (1.) In Wayne County, at Dublie's cemetery, three, (3.) Total number, three hundred and forty, (340;) all known.

Many of these bodies, it is supposed, were removed from other places and interred by relations and friends; others, doubtless, died from wounds and disease at their homes. There is also buried near Indianapolis, in this State, fifteen hundred and fifty-six (1,556) rebel prisoners of war.

Recapitulation of interments in Indiana.

Cemeteries.	White.					Colored.			Aggregate.
	Known.			Soldiers, unknown.	Total.	Soldiers, known.	Soldiers, unknown.	Total.	
	Officers.	Soldiers.	Employés.						
New Albany.....	.....	1, 367	11	497	1, 875	757	175	932	2, 807
Crown Hill.....	1	641	.....	.....	642	30	36	66	708
Oak Hill.....	1	554	.....	8	563	33	.....	33	596
In the other ninety-two places.....	.....	340	.....	.....	340	.....	.....	.....	340
Total.....	2	2, 902	11	505	3, 420	820	211	1, 031	4, 451

STATE OF IOWA.

Keokuk cemetery.—Inspected August 26, 1868.

This is an incorporated cemetery near the city of Keokuk, in Lee County, containing forty acres. A lot in it for the Union dead was donated to the general government by the authorities of the city.

The lot is nearly a parallelogram, with a circular termination on the west side. It is inclosed with an indifferent board fence and gate, which requires whitewashing. From the gate of entrance an avenue eighteen feet wide divides the ground into two equal burial sections. On the south section there is a circle forty feet in diameter for a flag-staff, which has not been erected. A walk ten feet wide, from the main avenue, leads to it. Around the ground, within the inclosure, is an avenue twenty-five feet wide. In the northern section there are twelve rows of graves; in the southern section, fourteen; and in the western portion of the ground there are three circular rows, containing, respectively, seventy, eighteen, and eighteen graves.

The walks and the graves are covered with grass, but overgrown with weeds, and the ground is not in good order. The graves have headboards painted white, with letters in black. Twenty-six of the graves have headstones erected by relations and friends. There are twenty-five trees in the grounds.

I understood that the cemetery was in charge of Captain J. W. Pearman, late assistant quartermaster of volunteers, residing at Davenport. If a superintendent should not be appointed, a resident of Keokuk ought to be placed in charge.

The interments number six hundred and twenty-seven, (627,) of which number six hundred and six (606) white soldiers are known, and twenty-one (21) white soldiers are unknown. The burials were from deaths in the general hospital in the city. There are a few bodies buried in private lots; number unknown.

No special report of the expenditures has been made.

Since my inspection of Oak Dale cemetery, near Davenport, as recommended, the bodies of the Union soldiers, one hundred and thirty-six (136) in number, exclusive of those buried in private lots, have been removed to the new cemetery, established on Rock Island.

In Davis County, there are thirty-one (31) bodies—two (2) officers, and twenty-nine (29) white soldiers. In Muscatine County, twenty-five

(25) white soldiers. In Tama County, one (1) officer and twenty-two (22) white soldiers. In Buchanan County, one (1) officer and twenty-one (21) white soldiers. In Decatur County, two (2) officers and twenty (20) white soldiers. In Appanoose County, six (6) officers and fifteen (15) white soldiers. In Delaware County two (2) officers and eighteen (18) white soldiers. In Bremer County, eighteen (18) white soldiers. In Scott County, six (6) officers and twelve (12) white soldiers. In Wapello County, one (1) officer and seventeen (17) white soldiers. In Black Hawk County, one (1) officer and sixteen (16) white soldiers. In Louisa County, two (2) officers and fifteen (15) white soldiers. In Floyd County, sixteen (16) white soldiers. In Marshall County, one (1) officer and fifteen (15) white soldiers. In Polk County, five (5) officers and ten (10) white soldiers. In Monroe County, eleven (11) white soldiers. In Des Moines County, ten (10) white soldiers. In Lucas County, nine (9) white soldiers. In Union County, ten (10) white soldiers. In Ringgold County, one (1) officer and eight (8) white soldiers. In Marion County, eight (8) white soldiers. In Webster County, one (1) officer and seven (7) white soldiers. In Page County, eight (8) white soldiers. In Van Buren County, seven (7) white soldiers. In Adams County, six (6) white soldiers. In Guthrie County, one (1) officer and five (5) white soldiers. In Franklin County, five (5) white soldiers. In Mitchell County, one (1) officer and four (4) white soldiers. In Pottawatomie County, five (5) white soldiers. In Taylor County, one (1) officer and four (4) white soldiers. In Jones County, two (2) officers and three (3) white soldiers. In Greene County, one (1) officer and three (3) white soldiers. In Worth County, four (4) white soldiers. In Cass, Dickinson, and Poweshiek Counties, three (3) white soldiers in each. In Cerro Gordo and Kossuth Counties, two (2) white soldiers in each. In Adair, Boone, Monona, Plymouth, and Calhoun Counties, one (1) white soldier in each. Total, thirty-eight (38) officers, and four hundred and four (404) white soldiers; all known.

Recapitulation of interments in Iowa.

Counties.	White.			Aggregate.
	Officers, known.	Soldiers, known.	Soldiers, unknown.	
Keokuk.....		606	21	627
In forty-three counties.....	38	404	.....	442
Total.....	38	1,010	21	1,069

STATE OF ILLINOIS.

The Union dead in this State are buried in the national cemeteries at Mound City, and at Camp Butler near Springfield; in the military graveyard at Rock Island, and at the civil cemeteries at Alton, Quincy, and Chicago.

Mound City cemetery.—Inspected December 7, 1868.

This cemetery is situated one mile northwest of Mound City, in Pulaski County. It is a rectangle, eight hundred and twenty-five feet, by five hundred and twenty-eight feet, and contains ten acres. The

position was selected in consequence of its being the burial place of the soldiers and sailors who died during the rebellion. The position is an unfortunate one, because the ground is low, and when the Ohio River rises the little stream into which the drainage is made fills up, and the sluice-gate has to be closed. At such times, if rain falls, it rests on most of one and part of another burial section. The only remedy for this is to raise the ground. Better still, to make a cemetery on the line of the railroad connecting Mound City with the Illinois Central railroad, where elevated ground can be selected a few miles from the present position. To keep out the overflow of the Ohio River in its high stage, a levee averaging five feet high has been made around the plot, with a deep ditch outside, into which, at the southwest corner, under the levee, the water is conducted. In ordinary stages of the water in the Ohio River the drainage is good, but not otherwise. On the top of the levee, a low paling fence has been erected to prevent the intrusion of cattle, with two gates of entrance, whitewashed. The ground is divided by a center avenue, twenty-five feet wide, into two equal parts, with a circle twenty feet in diameter for a flag-staff, which has not been erected. These divisions are again subdivided by cross-avenues. In the old ground the graves are irregular and in single rows; in the new ground they are regularly arranged in double rows with walks between them. A lodge at the southwest corner, of brick, was in the course of construction. The levee and the graves have been sown with grass-seed, which is growing finely. There are no headboards to the graves. The walks are gravelled, but they should be raised, being too low for drainage.

The interments number four thousand eight hundred and eight, (4,808,) of which number nineteen (19) officers, two thousand and forty-one (2,041) white soldiers, and three hundred and seven (307) colored soldiers are known; and two thousand four hundred and forty-one (2,441) white soldiers are unknown. There are also forty-one (41) rebel soldiers buried in the cemetery. The original burials during the war from the hospitals numbered sixteen hundred and forty-four, (1,644.) The other bodies were removed from Cairo and its vicinity, in Pulaski County. In Missouri, from Belmont, in Mississippi County; Reed's Point and Commerce, in Scott County. In Kentucky, from Fort Holt, in Ballou County; Columbus, in Hickman County; and Paducah, in McCracken County.

The expenditures amount to \$46,288 33. The expenditures were made by Colonel Schenk, Major Cushing, Brevet Brigadier General C. H. Hoyt, and Brevet Brigadier General J. D. Bingham, quartermaster. Absalom S. Dial, a discharged sergeant-major of the Forty-Fifth Regiment of Infantry, is the superintendent, whose appointment is dated August 6, 1867. He is attentive to his duties, and has the cemetery in good order.

Camp Butler cemetery.—Inspected August 31, 1868.

This cemetery is situated six miles east of Springfield, in Sangamon County. The entire tract contains nearly six and a half acres, part devoted to the Union and part to the rebel dead, the plot being divided by a wooden fence. The ground cost four hundred and fifty dollars, and is inclosed with a high, ordinary wooden fence, not even whitewashed, with an indifferent gate of entrance. The key of the gate was in the custody of a farmer some distance from the cemetery. The ground was totally neglected, the grass and weeds obscuring the graves entirely. It was almost impossible to see how the cemetery was laid out.

There are thirteen marble headstones to the graves of the Union

soldiers, erected by relatives, and to the others are headboards painted white and lettered black.

The interments number six hundred and forty-one, of which number one officer, five hundred and thirty-six white soldiers, and six colored soldiers are known, and ninety-eight white soldiers are unknown. The burials were from the troops at Camp Butler.

The graves are not sodded nor has a lodge been erected. A flag-staff has not been erected. There are a few trees in the grounds.

Having represented the condition of this cemetery to the department, measures were immediately ordered to place it in proper condition.

The expenditures amount to \$9,621 75. The expenditures were made by Captain Campbell, assistant quartermaster of volunteers, Brevet Brigadier General C. H. Hoyt, and Brevet Brigadier General J. D. Bingham, quartermaster.

There is no superintendent for this cemetery, and should one not be appointed, it is recommended that it be placed in charge of Captain James Campbell, formerly assistant quartermaster of volunteers, residing in Springfield. He was the only person who could give me information respecting the cemetery, and the few records were in his possession. He imparted his information to me most freely, and manifested an interest in keeping the cemetery in good order.

In this cemetery are buried six hundred and forty-three rebel prisoners of war, captured at Fort Donelson, four hundred and fifty-four known, and one hundred and eighty-nine unknown.

Oak Ridge cemetery.—Inspected August 31, 1868.

This is an incorporated cemetery at Springfield, in which are buried six officers and thirteen white soldiers; all known. All are in private lots, except eight privates interred in a lot belonging to the general government. A monument of marble has been erected to the memory of Lieutenant Colonel A. J. Webber, eleventh regiment Missouri volunteers, and a marble headstone to the grave of private Henry Jones, regiment of Illinois volunteers. Eleven of the graves are without headboards. All the graves are sodded, except two, recently interred.

In Hutchinson cemetery are buried one officer and two white soldiers; all known.

Rock Island cemetery.—Inspected August 28, 1868.

This cemetery is on the military reservation, and is in the form of a rectangle, two hundred and sixteen feet by ninety-six, and contains three-fifths of an acre. It is inclosed with a paling fence with a double gate of entrance on the south, and a small gate of exit on the north. It is divided into three unequal sections by two parallel walks, ten feet wide, running north and south. The graves and walks are covered with blue grass, and the graves have headboards. The grass requires cutting and the fence whitewashing, which Brevet Brigadier General T. J. Rodman, of the Ordnance Department, the commanding officer of the arsenal, assured me should immediately be done.

The interments number one hundred and thirty-six, of which number seventy-four white soldiers, forty-nine colored soldiers, and six women and children are known, and seven white soldiers are unknown. The deaths were from the troops stationed on the island to guard the prisoners of war.

The expenditures for this and the graveyard containing the rebel dead amount to \$2,582.

NATIONAL CEMETERIES.

As this burial place would ultimately interfere with the extension of the arsenal buildings, according to the plan adopted at the suggestion of the commanding officer, I recommended that the bodies should now be removed to the north end of the island, and interred on high ground in an oak grove. At the same time I recommended that the one hundred and fifty-nine buried in the back part of the Oak Dale cemetery, three miles northeast of the city of Davenport, in Iowa, should be removed to the island, of which number one hundred and fifty-two white soldiers and five colored soldiers are known, and the removals made. They were deaths from the hospital in the city of Davenport.

The recommendations were approved, and the removals made. The total number of interments at Rock Island is therefore two hundred and ninety-five.

The rebel dead are buried in a separate inclosure containing one and seven-eighths of an acre, inclosed with a four-bar fence. The interments number nineteen hundred and twenty-eight, of which number nineteen hundred and thirteen are known; one captain, four soldiers, and ten citizens are unknown.

Alton City cemetery.—Not inspected.

This is an incorporated cemetery, situated near the suburbs of the city of Alton, in Madison County, one and a half mile east of the City Hall. It is inclosed with a high picket fence.

The interments number one hundred and sixty-three, of which number two officers and one hundred and forty-nine white soldiers are known, and twelve white soldiers are unknown. The burials were from deaths at the post hospital, and from steamboats passing up the Mississippi River.

All the graves have headboards. They are in good condition and well cared for by Mr. Joseph Sohr, the assistant superintendent of the cemetery. As far as can be ascertained, the expenditures amount to, exclusive of the cost of headboards, \$978.

A number of Union soldiers and rebel prisoners of war, who died from small-pox, were buried on an island in the Mississippi River. The island has several times been overflowed since their burial, and all traces of the graves have been swept away. If the bodies can be found they should be removed to the cemetery at Jefferson Barracks, below St. Louis, in Missouri. The number is unknown.

Two and a half miles north of the city hall of Alton is a cemetery known as the "Prisoners' Cemetery," in which are buried thirteen hundred and four (1,304) rebel prisoners of war, of which number six hundred and seventy (670) are known, and six hundred and thirty-four (634) are unknown. It contains nearly eight acres, and is inclosed with a substantial picket fence, and is in good condition. The graves have headboards. The expenditure for burial was six dollars per body, amounting to \$7,824. The cost of headboards is not known.

Woodland cemetery.—Not inspected.

This is an incorporated cemetery, situated in the city of Quincy, in Adams County.

The interments number two hundred and forty-two, (242,) of which number two hundred and nine (209) white soldiers and twenty-seven (27) colored soldiers are known, and six (6) white soldiers are unknown. Nearly all of these are buried in one lot, which the owner, Ex-Governor Wood, proposes to donate to the United States. Some few are in private lots. They were deaths from the general hospital in the city. The graves are sodded and have headboards. A fine monument has been erected by the citizens of Quincy to the memory of the Union dead.

No special report has been made of the expenditures.

Rose Hill cemetery.—Inspected September 1, 1868.

This is an incorporated cemetery, situated seven miles north of the city of Chicago, in Cook County.

The interments number three hundred and seventeen, of which number five (5) officers and two hundred and ninety-seven (297) white soldiers are known, and two (2) officers and thirteen (13) white soldiers are unknown. They are principally from deaths in the general hospital in the city. Some few were removed from the South. Twelve of the bodies are in a lot with a heavy granite block in the center, dedicated to twenty-nine men of Company B, First Illinois light artillery. A stone curb surrounds the lot. One hundred and five (105) are in an adjoining lot, around the whole of which is a graveled walk five feet wide. Twenty-two of the bodies of the Board of Trade battery are in a separate lot, in which it is designed to erect a monument at a cost of five thousand dollars. The graves are all well sodded, but have no headboards.

This is a very handsome cemetery, filled with oak trees, and in fine order.

The expenditures amount to \$3,546.

Graceland cemetery.—Inspected September 1, 1868.

This is an incorporated cemetery, situated five miles north of the city of Chicago, in Cook County.

The interments number about one hundred, (100,) all known, buried in private lots. Handsome monuments have been erected to the memory of Colonel William A. Webb, Forty-second regiment Illinois volunteers, and Captain Alfred Borshard, Fifth regiment Missouri cavalry. The cemetery is a very handsome one, and in fine order.

In the Oakwood cemetery, south of the city of Chicago, in the government lot, are a few bodies; deaths by small-pox. The number is unknown.

The walks are not graveled, nor are the graves furnished with headboards.

In this cemetery four thousand and thirty-nine (4,039) rebel prisoners of war are buried, all unknown. Three thousand three hundred and eighty-four (3,384) were originally buried in the city cemetery, three miles north of the city, and subsequently removed to this cemetery. Three dollars was paid for each grave for these bodies.

There are ten (10) bodies at Dundee, fifteen (15) at Elgin, and twelve (12) at St. Charles, in Kane County; seventeen (17) at Rockford, in Winnebago County; and sixteen (16) at Dixon, in Lee County; all known. Total, seventy, (70.)

Recapitulation of interments in Illinois.

Cemeteries.	White.						Colored.		Aggregate.
	Known.			Unknown.		Total.	Soldiers known.	Total.	
	Officers.	Soldiers.	Citizens.	Officers.	Soldiers.				
Mound City.....	19	2,041	.....	.....	2,441	4,501	307	307	4,808
Camp Butler.....	1	536	.....	.....	98	635	6	6	641
Oak Ridge.....	6	13	.....	.....	.....	19	.....	.....	19
Hutchinson's.....	1	2	.....	.....	.....	3	.....	.....	3
Rock Island.....	.....	226	6	.....	9	241	54	54	295
Alton City.....	2	149	.....	.....	12	163	.....	.....	163
Woodland.....	.....	209	.....	.....	6	215	27	27	242
Rose Hill.....	5	297	.....	2	13	317	.....	.....	317
Graceland.....	2	98	.....	.....	.....	100	.....	.....	100
Dundee.....	.....	10	.....	.....	.....	10	.....	.....	10
Elgin.....	.....	15	.....	.....	.....	15	.....	.....	15
St. Charles.....	.....	12	.....	.....	.....	12	.....	.....	12
Rockford.....	.....	17	.....	.....	.....	17	.....	.....	17
Dixon.....	.....	16	.....	.....	.....	16	.....	.....	16
Total.....	36	3,641	6	2	2,579	6,264	394	394	6,658

STATE OF MISSOURI.

There are three cemeteries in this State, viz, at Jefferson Barracks, Jefferson City, and Springfield; also a small burial place at Centralia.

Jefferson Barracks cemetery.—Inspected August 13, 1868.

This cemetery is situated on the military reservation of Jefferson Barracks, in St. Louis County, ten miles south of the city of St. Louis, twelve hundred and thirty-four feet north of the barracks' buildings, and seven hundred and four feet west of the Mississippi River. It is an enlargement of the post burial ground, and now contains eight and one-eighth acres.

Since my former inspection much work has been done.

It is inclosed with a neat paling fence, with cedar posts, whitewashed. The gate of entrance had not been made, but soon would be. It is divided by avenues sixteen feet wide, and walks ten feet wide, into narrow parallelograms for burial purposes. In the center is a mound, thirty feet in diameter, for a flag-staff, which had not been erected, and which is unnecessary, as the flag at the engineer barracks is sufficient. The old graveyard remains as originally laid out, the graves not being interfered with. In the grounds are two natural ponds, one of good size, never dry, but the water in them rises and falls with the rise and fall of the Mississippi River. The ground is undulating, and contains many trees, and when furnished with shrubbery will present a very handsome appearance. The avenues and walks are all macadamized with broken stone, and will be coated with gravel obtained from a quarry on the reserve.

The burial sections are nearly all curbed with stone, and the gutters and drains are made of the same material, obtained at little cost at the same quarry, making the drainage perfect. It is designed to build a lodge of this material outside of the entrance gate, in a circle one

hundred feet in diameter. About one thousand graves, not including those in the old ground, are sodded. The graves are furnished with headboards. The headboards of those who died during the war are not painted, but are lettered black in stencil. A number have rotted, and have been replaced with new ones of the prescribed pattern. All others are of the new pattern, painted white, and lettered in black.

The interments number ten thousand eight hundred and ninety-nine, (10,899,) classified as follows: One (1) officer, six thousand seven hundred and six (6,706) white soldiers, twenty-three (23) colored soldiers, sixteen (16) sailors, and twenty-two (22) employés are known; and thirty-nine (39) officers, eight hundred and forty-two (842) white soldiers, ten hundred and forty-four (1,044) colored soldiers, are unknown; six hundred and twenty-four (624) in the old burial-ground, of which there are no records. Total, nine thousand three hundred and seven (9,307.) Not of the military service fifty (50) citizens, one hundred and eighty-seven (187) refugees, sixteen (16) white women, one (1) colored woman, and two hundred and forty-five (245) children, thirteen (13) rebel officers, nine hundred and ninety-seven (997) rebel prisoners of war, and eighty-three (83) citizen prisoners, all known. Total, fifteen hundred and ninety-two (1,592.) Bodies were removed from Christ Church and Wesleyan cemeteries, in St. Louis, in St. Louis County; Warrenton, in Warren County; Mexico, in Audrain County; Patterson and Greeneville, in Wayne County; Jackson and Cape Girardeau, in Cape Girardeau County; Bloomfield and other places, in Stoddard County; Pilot Knob and Ironton, in Iron County; Salem, in Linn County; Waynesville, in Pulaski County; Franklin, in Howard County; Linn Creek, in Camden County; Syracuse and Versailles, in Morgan County; Columbus and Rockport, in Boone County; Cole Camp and Warsaw, in Benton County; Huntsville, in Randolph County; Chillicothe, in Livingston County; Dallas, in Webster County; Rolla and other places, in Phelps County; Houston, in Texas County; Charleston, in Mississippi County; Hannibal and Palmyra, in Marion County; Pilot Grove, in Cooper County; Kirksville, in Adair County; Macon City, in Macon County; Lake Spring, in Dent County; St. Genevieve, in St. Genevieve County; Tipton, in Moniteau County; Fulton, in Calloway County; Fayette, in Howard County; Jefferson City, in Cole County, and from other places in Butler and Dunklin Counties; in Arkansas, from Chalk Bluffs in Green County, and from Scattersville.

The expenditures amount to \$105,398 96. The expenditures were made by Brevet Lieutenant Colonels C. W. Thomas, quartermaster, and J. B. Howard, assistant quartermaster of volunteers. Sylvanus Beeman, a discharged sergeant of Company B, Fifth Regiment of Infantry, is the superintendent, whose appointment is dated November 25, 1867. He had charge of a corps of workmen to complete the work, and was attentive to his duties. The grounds are in good order.

Jefferson City cemetery.—Inspected August 18, 1868.

This cemetery is situated east of Jefferson City, the capital of the State, in Cole County, adjoining the corporate limits, five thousand six hundred feet southeast of the capitol building, and two thousand four hundred feet south of the Missouri River and Pacific railroad, and adjoins on the east the city cemetery. It is approached by one of the streets of the city and a road leading therefrom.

It is inclosed with a substantial paling fence, with cedar posts white-

washed. The small gate of entrance will soon be substituted with a more suitable one.

The ground is nearly a rectangle, containing two acres. A main avenue twelve feet wide, extending south from the center of the north side, fronting on a public highway, divides the ground into two equal parts. In this avenue, about one-third of the distance of the ground, is a circle for a flag-staff. An avenue of the same width, from this circle, and other walks six feet wide, running at right angles, divide the grounds into eight rectangular sections, containing graves, and four others containing no graves.

The ground falls to the south, and in the southeast corner is a ravine, into which the drainage must necessarily be carried. The soil is light, and care must be taken to prevent its washing; permanent gutters should be made.

The burials during the rebellion were made in sections 1, 2, 3, and 4, in the northern part of the cemetery, fronting on the road, and the graves were made without any regard to order, especially in the first two sections, where the men were buried by contract.

In the other four sections, they are properly arranged.

The walks are graveled. The graves are not sodded, but are furnished with headboards not painted, but marked with letters in black. A lodge has not been erected, but arrangements have been made for its speedy construction. It should be placed in section No. 1, near the gate, which would involve the removal of seventeen bodies to another section. A cistern should be built. A flag-staff has not been erected, but soon will be. The mound for it is too contracted; it should be enlarged, which would involve the taking up of a few bodies. The graves were dug without cost by convicts of the State penitentiary.

A number of cedar trees were set out, but were killed by the drought of the summer. Trees can easily be obtained four miles distant.

The interments number six hundred and forty-one (641,) of which number two (2) officers, three hundred and twenty-six (326) white soldiers, and five (5) citizens are known; and three hundred and seven (307) white soldiers and (1) one child are unknown.

Bodies were removed from Warrensburg, in Johnson County; Sedalia and Georgetown, in Pettis County; Otterville and Boonville, in Cooper County; Glasgow, in Howard County; Brunswick, in Chariton County; and Smithton. It is estimated that seventeen bodies are yet to be removed: one (1) at Greensburg, in Knox County, twenty-four miles distant; six (6) a fourth of a mile south of Jefferson City; and ten (10) at a mill, twenty-five miles south of the city.

The expenditures amount to \$5,658 95. The expenditures were made by Brevet Lieutenant Colonels C. W. Thomas, quartermaster, and J. B. Howard, assistant quartermaster of volunteers. Henry Brown, a discharged corporal of Company A, Forty-second Regiment of Infantry, is the superintendent, whose appointment is dated July 16, 1868. He had not reported at the date of inspection. An agent had charge of the work, who was attending faithfully to his duty.

Springfield cemetery.—Inspected August 20, 1868.

This cemetery is situated on Kickapoo Prairie, three miles southeast of the city of Springfield, in Green County. The city authorities had purchased a tract of eighty acres of land on the prairie for a cemetery,

and gave the privilege to the general government to select in it a plot for a national cemetery, at the cost paid, being thirty-seven dollars and fifty cents per acre. Mr. William Goodyer, the government agent, selected a plat of five acres on the highest ground of the prairie. At the time of the inspection the ground had not been inclosed, nor had a lodge been erected. Contracts were made for both purposes, and the work would soon be done. The ground was regularly laid out. The avenues were eighteen and ten feet wide, with a carriage way around the grounds within the contemplated fence, twenty-two feet wide. There are five mounds in the grounds, the center one being seventy-five feet in diameter and fifteen feet high; the others, thirty-six feet in diameter and ten feet high.

The graves are not sodded. Blue and prairie grass had been sown over them, but the drought prevented vegetation. The graves are furnished with headboards properly lettered. The drainage can be made perfectly good.

The interments number fifteen hundred and fourteen, (1,514,) of which number twenty (20) officers, seven hundred and sixty-eight (768) white soldiers, and six (6) employés are known; and one (1) officer, seven hundred and nineteen (719) white soldiers are unknown. The bodies were removed from several places in the following named counties: Green, Barton, Christian, Dade, McDonald, Webster, Stone, Dallas, Barry, Laclede, Lawrence, Douglas, Newton, Wright, Jasper, Taney, and Polk.

The expenditures amount to \$26,995 64. The expenditures were made by Brevet Lieutenant Colonel C. W. Thomas, quartermaster, and J. B. Howard, assistant quartermaster of volunteers. Alexander McAlpine, a discharged quartermaster sergeant of Company B, Forty-fifth Regiment of Infantry, is the superintendent, whose appointment is dated August 6, 1867. He is attentive to his duties, and has the cemetery in good order.

Centralia.—Not inspected.

This is a small plot of ground in Boone County, one-fourth of a mile from the railroad station at Centralia, and sixteen feet south of the track of the North Missouri railroad.

It is inclosed with a plain but substantial board fence four feet high. In the center of the inclosure, and running its entire length, is a mound of earth three feet high, well covered with grass. Beneath this mound, in a shallow trench, are buried the uncoffined bodies of eighty-seven (87) Union soldiers of Companies A, G, and H, Thirty-ninth regiment Missouri volunteers, who were killed in action near the place September 27, 1864, all known. The mound and the fence are in good condition. A neat monument of knipper stone, costing \$150, has been erected on the west end of the inclosure, with the following inscription, viz:

The remains of the members of Companies A, G, and H, Thirty-ninth regiment Missouri infantry volunteers, who were killed in action at Centralia, Missouri, on the 27th day of September, 1864, are interred here.

The ground where these bodies are buried has been donated to the general government by the North Missouri Railroad Company, at whose request the bodies were allowed to remain, they agreeing that the ground would be forever cared for, free of expense to the United States.

Recapitulation of interments in Missouri.

Cemeteries.	White.								Colored.			Estimated number yet to be removed.	Aggregate.	
	Known.					Unknown.			Soldiers, known.	Soldiers, unknown.	Total.			
	Officers.	Soldiers.	Sailors.	Employés.	Citizens.	Officers.	Soldiers.	Citizens.						Total.
Jefferson Barracks.....	1	6,706	6	22	.....	39	1,466	.....	7,616	23	1,044	1,067	.....	9,307
Jefferson City.....	2	326	.....	.....	5	.....	307	1	641	.....	.....	.....	17	658
Springfield.....	20	768	.....	6	.....	1	719	.....	1,514	.....	.....	.....	.....	1,514
Centralia.....	.....	87	.....	.....	.....	.....	.....	.....	87	.....	.....	.....	.....	87
Total.....	23	7,887	6	28	5	40	2,492	1	9,858	23	1,044	1,067	17	11,566

STATE OF KANSAS.

The Union dead are buried in this State at Fort Leavenworth principally, at Fort Scott, and six other military posts, at Baxter Springs, and a number of other places.

Fort Leavenworth cemetery.—Inspected August 16, 1869.

The cemetery at this place was originally established as the burial place of the garrison of Fort Leavenworth, in Leavenworth County, and is situated on the military reservation. It has been enlarged to accommodate all the Union dead in a number of localities in the State, and from the contiguous counties in Missouri. It is a rectangle five hundred feet by four hundred and eighty, and contains five and a half acres. Since the previous inspection much work has been done. It is inclosed with a substantial paling fence with mulberry posts and gate, white-washed. The ground is divided into ten divisions for burial purposes. The main walks are nearly all covered with broken stone. Most of the graves require sods. Grass seed has been sown over them. Head-boards, ready to be put up, had been made at the post, painted white, and lettered black, at a cost of ninety cents each. By means of an extensive ditch outside of the inclosure by the high ground, the drainage has been rendered perfect. Outside of the inclosure, near the gate of entrance, a lodge has been erected. There is an abundance of trees in the grounds, but shrubbery was necessary. Many of the bodies were some years since removed from the former graveyard, and these, together with those subsequently buried at the post, were placed in the ground without regard to order. The walks in this part of the ground have been laid out in eccentric curved lines, so as not to interfere with any of the graves. The number of original interments is not known.

The interments number ten hundred and ninety-three, (1,093,) of which number five (5) officers, four hundred and twelve (412) white soldiers are known, and six hundred and seventy-six (676) white soldiers are unknown.

The expenditures amount to \$13,940 37. The expenditures were made by Brevet Brigadier General B. C. Card, assistant quartermaster. Hugh M. Fogg, a discharged private of the First regiment Maine volunteers, is the superintendent, whose appointment is dated November 26, 1867.

He was attentive to his duties, and had the cemetery in good order.

Fort Scott.—Not inspected.

In the year 1861 a graveyard was located one and a half miles south-east of the military post of Fort Scott, in Bourbon county, containing about four acres. The ground was purchased by subscription by the officers and citizens of that place.

It has been inclosed by the quartermaster's department with a substantial board fence, at an expense of almost five hundred dollars.

The interments number four hundred and seven, (407,) of which number two (2) officers, three hundred and four (304) white soldiers are known, and one hundred and one (101) white soldiers are unknown.

No special report of expenditures has been made. Absalom Hyde, a discharged captain of the Sixteenth regiment of Kansas cavalry, is the superintendent, whose appointment is dated July 16, 1868.

Baxter's Springs.—Not inspected.

It was designed to remove the bodies from Baxter's Springs to the national cemetery at Springfield, Missouri, but the citizens petitioned the government to let them remain, as they were generally citizens of Kansas, belonging to the body-guard and band of General Blunt, which was attacked by the rebel Quantrell. The petition set forth that, should the bodies be permitted to remain, they would give to the United States the privilege of selecting the necessary ground in a tract of land they had purchased for a cemetery, the government to perfect the work, after which the cemetery association would keep the graves in order.

The interments, number one hundred and twenty-four (124) white soldiers, all known.

The cost of re-interment was \$1,255 80. The expenditures were made by Brevet Lieutenant Colonel C. W. Thomas, assistant quartermaster.

At Fort Riley, in Davis County, there are one hundred and twelve (112) bodies; seventy-three (73) known, and thirty-nine (39) unknown.

At Fort Hayes, seventy-seven (77)—forty-two (42) known, thirty-five (35) unknown.

Fort Wallace, sixty-six, (66,) all known. Fort Larned, in Peketon County, sixty-two, (62,) forty-three (43) known, nineteen (19) unknown. Fort Dodge, in Webster County, seventy-one, (71,) all known. Fort Harker, one hundred and forty-one, (141,) fifty-two (52) known, eighty-nine (89) unknown. Barnesville, eighteen, (18,) eight (8) known, ten (10) unknown; Marmiton, four, (4,) all known; both in Bourbon County. Mound City, in Linn County, fifteen, (15,) all known. Geneva, five, (5,) all known, and Iola six, (6,) five (5) known, one (1) unknown; both in Allen County. Olathe, in Johnson County, nine, (9,) eight (8) known, and one (1) unknown. Paola, eighteen, (18,) eleven (11) known, seven (7) unknown. Ossawatamie, six, (6,) four (4) known, two (2) unknown; both in Miami County. Topeka, in Shawnee County, twenty-three, (23,) all known. Louisville, in Pottawatomie County, one, (1,) unknown. Othemwa, four, (4,) all known. At thirty different places, thirty, (30,) one (1) officer and twenty-five (25) white soldiers known; four (4) white soldiers unknown. Total five hundred and twelve, (512.) Three hundred and eighty-two (382) known; one hundred and thirty (130) unknown.

No special report of expenditures has been made respecting these places.

Recapitulation of interments in Kansas.

Cemeteries.	White.				
	Known.		Unknown soldiers.	Total.	Aggregate.
	Officers.	Soldiers.			
Fort Leavenworth.....	5	412	676	1,093	1,093
Fort Scott.....	2	304	101	407	407
Baxter's Springs.....		124		124	124
Fort Riley.....		73	39	112	112
Fort Hayes.....		42	35	77	77
Fort Wallace.....		66		66	66
Fort Larned.....		43	19	62	62
Fort Dodge.....		71		71	71
Fort Harker.....		52	89	141	141
Barnesville.....		8	10	18	18
Marionton.....		4		4	4
Mound City.....		15		15	15
Geneva.....		5		5	5
Iola.....		5	1	6	6
Olathe.....		8	1	9	9
Paola.....		11	7	18	18
Ossawatimie.....		4	2	6	6
Topeka.....		23		23	23
Louisville.....			1	1	1
Othamwa.....		4		4	4
Thirty different places.....	1	25	4	30	30
Total.....	8	1,299	985	2,292	2,292

STATE OF MINNESOTA.

At Fort Snelling, Hennepin County, there are over one hundred and ten (110) bodies, one officer and forty (40) white soldiers known, and sixty-nine (69) white soldiers unknown. At Fort Ridgely, in Nicollet County, fifty-seven (57) bodies, two (2) officers and fifty-five (55) white soldiers known. At Fort Ripley, in Morrison County, thirty (30) bodies, eighteen (18) white soldiers known, twelve (12) white soldiers unknown. Total one hundred and ninety-seven, (197.)

Recapitulation of interments in Minnesota.

Cemeteries.	White.			Aggregate.
	Officers, known.	Soldiers, known.	Soldiers, unknown.	
Fort Snelling.....	1	40	99	110
Fort Ridgely.....	2	55	12	57
Fort Ripley.....		18		30
Total.....	3	113	81	197

No special report of expenditures has been made.

STATE OF NEBRASKA.

At Fort Kearney, there are two hundred and fifty-one (251) bodies, thirty-two (32) white soldiers known, and two hundred and nineteen (219) white soldiers unknown. At Fort McPherson, eighty-three (83) bodies, thirty-nine (39) white soldiers known, and forty-four (44) white soldiers unknown. Total, three hundred and thirty-four, (334.)

Recapitulation of interments in Nebraska.

Cemeteries.	White.		Aggregate.
	Known soldiers.	Unknown soldiers.	
Fort Kearney	32	219	251
Fort McPherson	39	44	83
Total.....	71	263	334

No special report of expenditures has been made.

STATE OF NEVADA.

At Fort Churchill, there are eleven (11) bodies, all known. At Fort Ruby, ten (10) bodies, all known. At Camp Dermid, two (2) bodies, both known. At Dun Glen, one (1) body, known. Total twenty-four, (24.)

Recapitulation of interments in Nevada.

Cemeteries.	White.		Aggregate.
	Known soldiers.	Unknown soldiers.	
Fort Churchill.....	11	.....	11
Fort Ruby	10	.....	10
Camp Dermid.....	2	.....	2
Dun Glen	1	.....	1
Total.....	24	.....	24

No special report of expenditures has been made.

STATE OF CALIFORNIA.

At the presidio of San Francisco, in San Francisco County, there are thirty-three (33) bodies, all known. At Drum barracks, twenty-nine (29) bodies, all known. At Fort Yuma, twenty-six (26) bodies, all known. Near San Diego, in San Diego County, twenty (20) bodies—eleven (11) white soldiers, known, and nine (9) white soldiers, unknown. At Benicia barracks, in San Francisco County, sixteen (16) bodies, all known. At Fort Humbolt, fourteen (14) bodies, all known. At Alca-

tras Island, in San Francisco County, eight (8) bodies, all known. At Fort Gaston, eight (8) bodies, all known. At Camp Babbitt, five (5) bodies, all known. At Camp Anderson, four (4) bodies, all known. At Camp Independence, four (4) bodies, all known. At Fort Point, four (4) bodies, all known. At Camp Cameron, three (3) bodies, all known. At Camp Togua, three (3) bodies, all known. At Camp Wright, three (3) bodies, all known. At Camp Bidwell, two (2) bodies, both known. At Fort Cook, two (2) bodies, both known. At Monterey barracks, in Monterey County, one (1) body, known. At several places, eleven (11) bodies, all known. Total, one hundred and ninety-six, (196.)

Recapitulation of interments in California.

Cemeteries.	White.		Aggregate.
	Soldiers known.	Soldiers unknown.	
Presidio of San Francisco.....	33	.....	33
Drum barracks.....	29	.....	29
Fort Yuma.....	26	.....	26
Near San Diego.....	11	9	20
Benicia barracks.....	16	.....	16
Fort Humbolt.....	14	.....	14
Alcatraz Island.....	8	.....	8
Fort Gaston.....	8	.....	8
Camp Babbitt.....	5	.....	5
Camp Anderson.....	4	.....	4
Camp Independence.....	4	.....	4
Fort Point.....	4	.....	4
Camp Cameron.....	3	.....	3
Camp Togua.....	3	.....	3
Camp Wright.....	3	.....	3
Camp Bidwell.....	2	.....	2
Fort Cook.....	2	.....	2
Monterey barracks.....	1	.....	1
At several places.....	11	.....	11
Total.....	187	9	196

No special report of expenditures has been made.

STATE OF OREGON.

At Fort Klamath there are three (3) bodies, all known. At Camp Watson, three (3) bodies, all known. At Fort Dalles, two (2) bodies, both known. Total, eight (8.)

Rceapitulation of interments in Oregon.

Cemeteries.	White.
	Soldiers known.
Fort Klamath.....	3
Camp Watson.....	3
Fort Dalles.....	2
Total.....	8

No special report of expenditures has been made.

DAKOTA TERRITORY.

At Fort Randall there are forty-four (44) bodies: two (2) officers and forty-two (42) white soldiers known. At Fort Rice, fifty-two (52) bodies: thirty-one (31) known, and twenty-one (21) unknown. At Fort Wadsworth, twenty-three (23) bodies: eighteen (18) known, and five (5) unknown. At Fort Casper, thirty-eight (38) bodies: ten (10) known, and twenty-eight (28) unknown. Old Fort Scully, twenty-one (21) bodies, all known. New Fort Scully, one (1) body, known. At Fort Buford, five (5) bodies, all known. At Fort Thompson, three (3) bodies, all known. At Fort Dakota, two (2) bodies, both known. Total, one hundred and eighty-nine, (189.)

Recapitulation of interments in Dakota.

Cemeteries.	White.			Aggregate.
	Known.		Soldiers unknown.	
	Officers.	Soldiers.		
Fort Randall.*.....	2	42	.....	44
Fort Rice.....		31	21	52
Fort Wadsworth.....		18	5	23
Fort Casper.....		10	28	38
Old Fort Scully.....		21	.....	21
New Fort Scully.....		1	.....	1
Fort Buford.....		5	.....	5
Fort Thompson.....		3	.....	3
Fort Dakota.....		2	.....	2
Total.....	2	133	54	189

No special report of expenditures has been made.

WYOMING TERRITORY.

At Fort Laramie, in Ogalala County, there are one hundred and fifty-six (156) bodies: twenty-nine (29) known, and one hundred and twenty-seven (127) unknown. At Fort Phil. Kearny, one hundred and nine (109) bodies: five (5) officers, and one hundred and four (104) white soldiers, known. At Fort Sanders, forty-eight (48) bodies: twenty-nine (29) known, and nineteen (19) unknown. At Fort Reno, thirty-one (31) bodies: two (2) officers and twenty-six (26) white soldiers are known, and three (3) white soldiers are unknown. Fort D. A. Russell, twenty-one (21) bodies: one (1) officer and fifteen (15) white soldiers are known, and five (5) white soldiers are unknown. At Fort Bridger, eighteen (18) bodies, two (2) officers and sixteen (16) white soldiers, known. At Fort Fetterman, six (6) bodies, all known. At Fort Steele, two (2) bodies, both known. Total, three hundred and ninety-one, (391.)

Recapitulation of interments in Wyoming.

Cemeteries.	White.			Aggregate.
	Known.		Soldiers unknown.	
	Officers.	Soldiers.		
Fort Laramie.....		29	127	156
Fort Phil. Kearney.....	5	104	.....	109
Fort Sanders.....		29	19	48
Fort Reno.....	2	26	3	31
Fort D. A. Russell.....	1	15	5	21
Fort Bridger.....	2	16	.....	18
Fort Fetterman.....		6	.....	6
Fort Steele.....		2	.....	2
Total.....	10	227	154	391

No special report of expenditures has been made.

UTAH TERRITORY.

At Camp Douglas there are sixty-four (64) bodies, all known.

INDIAN TERRITORY.

The Union dead in the Indian Territory are buried in the graveyard of the military post of Fort Gibson, established when the Indian tribes, under the decision of the general government, during the presidency of General Jackson, determined that they should be removed from their homes to the west of the Mississippi River. The fort, built after the first Seminole war by the Seventh Regiment of Infantry, was for years occupied by this regiment, and subsequently relieved by the Fourth Regiment of Infantry. The burial-place first established is now the resting-place of the Union dead, numbering two thousand one hundred and seventeen, (2,117,) of which number one hundred and forty-nine (149) white soldiers are known, and nineteen hundred and sixty-eight (1,968) white soldiers are unknown.

No special report of expenditures has been made.

COLORADO TERRITORY.

In Weld County, at Fort Sedgwick, there are sixty-six (66) bodies: thirty-seven (37) known, and twenty-nine (29) unknown. At Fort Morgan, ten (10) bodies: three (3) known, and seven (7) unknown. At Denver City, in Arapaho County, fourteen (14) bodies: one (1) known and thirteen (13) unknown. At Fort Lyon, in Los Animas County, eleven (11) bodies: one (1) officer and ten (10) white soldiers known. At Fort Garland, in Costilla County, five (5) bodies: one (1) known, and four (4) unknown. Total, one hundred and six, (106.)

Recapitulation of interments in Colorado.

Cemeteries.	White.			Aggregate.
	Known.		Unknown soldiers.	
	Officers.	Soldiers.		
Fort Sedgwick.....		37	29	66
Fort Morgan		3	7	10
Denver City.....		1	13	14
Fort Lyon	1	10		11
Fort Garland.....		1	4	5
Total.....	1	52	53	106

No special report of expenditures has been made.

MONTANA TERRITORY.

At Camp Cooke there are seventeen (17) bodies, all known. At Fort C. F. Smith, fifteen (15) bodies, all known. At Fort Shaw, five (5) bodies, all known. Total, thirty-seven, (37.)

Recapitulation of interments in Montana.

Cemeteries.	White soldiers known.	Aggregate.
Camp Cooke.....	17	17
Fort C. F. Smith.....	15	15
Fort Shaw.....	5	5
Total.....	37	37

No special report of expenditures has been made.

IDAHO TERRITORY.

At Fort Boise there are eight (8) bodies, all known. At Fort Lapwai, three (3) bodies, all known. At Camp Lyon, one (1) body, known.

Recapitulation of interments in Idaho.

Cemeteries.	White soldiers known.	Aggregate.
Fort Boise.....	8	8
Fort Lapwai.....	3	3
Camp Lyon.....	1	1
Total.....	12	12

No special report of expenditures has been made.

NEW MEXICO TERRITORY.

At Fort Craig, in Socorro County, there are one hundred and forty-five (145) bodies: one (1) officer and one hundred and two (102) white soldiers known, and forty-two (42) white soldiers unknown. At Santa Fé, in Santa Fé County, two hundred and sixty-six (266) bodies, all unknown. At Fort Fillmore, ninety-three (93) bodies: one (1) known, and ninety-two (92) unknown. At Fort Union, in Taos County, fifty-six (56) bodies: one (1) officer and fifty-five (55) white soldiers known. At Fort Cummings, thirty-seven (37) bodies: twelve (12) known, and twenty-five (25) unknown. At Apache Cañon, thirty-five (35) bodies, all unknown. At Fort Stanton, thirty-one (31) bodies: fifteen (15) known, and sixteen (16) unknown. At Fort Sumner, in San Miguel County, twenty (20) bodies, all known. At Fort McRae, nineteen (19) bodies: ten (10) known, and nine (9) unknown. At Los Pinos, nineteen (19) bodies: one (1) officer and eighteen (18) white soldiers known. At Fort Wingate, eighteen (18) bodies: two (2) known, and sixteen (16) unknown. At Fort Bascom, seventeen (17) bodies: fourteen (14) known, and three (3) unknown. At Fort Selden, in Doña Aña County, sixteen (16) bodies: two (2) officers and three (3) white soldiers known, and eleven (11) white soldiers unknown. At Koylowyky's Ranch, twelve (12) bodies, all unknown. At Albuquerque, in Bernalillo County, eight (8) bodies: two (2) officers and five (5) white soldiers known, and one (1) white soldier unknown. At Fort Bayard, in Doña Aña County, three (3) bodies, all known. At Los Llamas, three (3) bodies, all known. At Fort Marcy, three (3) bodies: one (1) officer and two (2) white soldiers known. At Fort Lowell, one (1) body known. Total, eight hundred and two, (802.)

Recapitulation of interments in New Mexico.

Cemeteries.	White.			Aggregate.
	Known.		Soldiers un- known.	
	Officers.	Soldiers.		
Fort Craig.....	1	102	42	145
Santa Fé.....			266	266
Fort Fillmore.....		1	92	93
Fort Union.....	1	55		56
Fort Cummings.....		12	25	37
Apache Cañon.....			35	35
Fort Stanton.....		15	16	31
Fort Sumner.....		20		20
Fort McRae.....		10	9	19
Los Pinos.....	1	18		18
Fort Wingate.....		2	16	19
Fort Bascom.....		14	3	17
Fort Selden.....	2	3	11	16
Koylowyky's Ranch.....			12	12
Albuquerque.....	2	5	1	8
Fort Bayard.....		3		3
Los Llamas.....		3		3
Fort Marcy.....	1	2		3
Fort Lowell.....		1		1
Total.....	8	266	528	802

No special report of expenditures has been made.

ARIZONA TERRITORY.

At Fort Mason, there are thirty-two (32) bodies, all known. At Fort

Tucson, twenty (20) bodies: seven known, and thirteen (13) unknown. At Fort McDowell, nineteen (19) bodies, all known. At Fort Goodwin, fourteen (14) bodies, all known. At Fort Bowie, seven (7) bodies, all known. At Camp Lincoln, five (5) bodies, all known. At El Picacho, three (3) bodies, all known. At Camp McRee, two (2) bodies, both known. At Fort Grant, one (1) body, known. At Fort Morgan, one (1) body, known. At Fort Wallen, one (1) body, known. Total, one hundred and five, (105.)

Recapitulation of interments in Arizona.

Cemeteries.	White.		Aggregate
	Soldiers known.	Soldiers unknown.	
Fort Mason.....	32	.....	32
Fort Tucson.....	7	13	20
Fort McDowell.....	19	.....	19
Fort Goodwin.....	14	.....	14
Fort Bowie.....	7	.....	7
Camp Lincoln.....	5	.....	5
El Picacho.....	3	.....	3
Camp McRee.....	2	.....	2
Fort Grant.....	1	.....	1
Fort Morgan.....	1	.....	1
Fort Wallen.....	1	.....	1
Total.....	92	13	105

No special report of expenditures has been made.

WASHINGTON TERRITORY.

At Fort Vancouver, in Clarke County, there are twenty-three (23) bodies, all known. At Fort Walla-Walla, in Walla-Walla County, seventeen (17) bodies: twelve (12) known, and five (5) unknown. At Fort Colville, in Stevens County, six (6) bodies, all known. At Camp Steele, four bodies: two (2) known, and two (2) unknown. At Fort Steilacoom, in Pierce County, two (2) bodies, both known.

Recapitulation of interments in Washington Territory.

Cemeteries.	White.		Aggregate.
	Soldiers known.	Soldiers unknown.	
Fort Vancouver.....	23	.....	23
Fort Walla-Walla.....	12	5	17
Fort Colville.....	6	.....	6
Camp Steele.....	2	2	4
Fort Steilacoom.....	2	.....	2
Total.....	45	7	52

No special report of expenditures has been made.

RECAPITULATION.

Aggregate number of bodies interred in national and civil cemeteries, including the number yet to be removed.

States and Territories.	White.							Colored.			No. interred but not classed into known and unknown.	Estimated number to be collected.	Aggregate.	
	Known.				Unknown.			Soldiers known.	Soldiers unknown.	Total.				
	Officers.	Soldiers.	Sailors.	Marines.	Officers.	Soldiers.	Sailors.							Total.
Maine.....		115				3		118	1		1			119
New Hampshire.....	5	57				10		72						72
Vermont.....		24				1		25						25
Massachusetts.....	13	138						151	41		41			192
Connecticut.....		234						234	2		2			236
New York.....	4	4,186	2			195		4,387	199	3	202	37		4,626
New Jersey.....		282				9		291	2		2			293
Pennsylvania.....	13	4,204				1,755		5,972	341		341			6,313
Delaware.....	10	199				12		221	3	1	4			225
Maryland.....	1	6,978	2			1,997		8,978	367	5	372			9,350
District of Columbia.....	21	5,266	2					5,289	195		195			5,484
Virginia.....	437	27,327	102		125	35,956	7	63,954	2,373	1,307	3,680	250		67,884
West Virginia.....	10	618			8	508		1,244						1,244
North Carolina.....	25	2,969	142		26	14,587	49	17,798	299	350	649			18,447
South Carolina.....	85	3,349	91			6,416	109	10,050	795	950	1,745			11,795
Georgia.....	238	19,235	100		23	3,737		23,333	174	162	336	12		23,681
Florida.....	20	681	28	7		400	250	1,386	154	270	424	290		2,100
Alabama.....	13	533	67			31	2	646	69	91	160			806
Mississippi.....	118	5,107	45		52	10,528	4	15,854	198	7,895	8,093	1,702		25,649
Louisiana.....	98	7,626	260		12	6,494		14,490	2,167	583	2,750	3,261	52	20,533
Texas.....	28	636	6			295		965	736	823	1,559	18	50	2,592
Arkansas.....	70	3,458	2		11	4,040	2	7,583	450	327	777	265		8,625
Tennessee.....	358	29,899			19	18,560		48,836	2,634	4,604	7,238			56,074
Kentucky.....	25	6,792			1	2,334		9,152	949	177	1,126			10,278
Ohio.....	23	1,552				37		1,612	18	77	95			1,707
Michigan.....	5	135	1			41		182						182
Indiana.....	2	2,902				505		3,409	820	211	1,031			4,440
Illinois.....	36	3,641			2	2,579		6,258	394		394			6,652
Missouri.....	23	7,887	6		40	2,492		10,448	23	1,044	1,067	17		11,532
Wisconsin.....	18	346				46		410						410
Iowa.....	38	1,010				21		1,069						1,069
Minnesota.....	3	113				81		197						197
Nebraska.....		71				263		334						334
Nevada.....		24						24						24
California.....		187				9		196						196
Oregon.....		8						8						8
Dakota.....	2	133				54		189						189
Wyoming.....	10	227				154		391						391
Indian.....		149				1,968		2,117						2,117
Colorado.....	1	52				53		106						106
Montana.....		37						37						37
Idaho.....		12						12						12
New Mexico.....	8	266				528		802						802
Arizona.....		92				13		105						105
Washington.....		45				7		52						52
Grand aggregate.....	1,761	148,802	856	7	319	116,819	423	268,987	13,404	18,880	32,284	3,529	2,425	307,225

It is difficult to ascertain the actual cost of the cemeteries, for, in the first instance, no separate account of the expenditures was made by the disbursing officers of the Quartermaster's Department. Materials already purchased were used, and other expenditures entered into the general account of these officers. Subsequently, they were required to keep a distinct account against each cemetery, and this has been done. As far as this report shows, the expenditures amount to \$3,112,209 94.

GENERAL REMARKS.

The whole cemetery system was placed by the Secretary of War under

the Quartermaster's Department, and the Quartermaster General organized a system for the location of the cemeteries throughout the United States, and gave all the necessary instructions to his officers for their proper location, for collecting the bodies of the fallen Union soldiers, their proper interments, and whatever else might be necessary to perfect and make the cemeteries proper places for the repose of their remains.

These instructions have been carefully carried out, and the government may regard with pride the work which has been done. In the commencement of the undertaking perhaps too many cemeteries were located, and I am of opinion that a greater concentration would have been better, and certainly lessened the expense in the first instance and their maintenance in the future. Their location was, however, regarded as desirable to mark the battle-fields, but this could not be carried out, as those fields became so numerous. For instance, the case at Richmond, Virginia, where, within a few miles of the city, there are four small cemeteries, which are designed to mark four battle-fields, besides a large one near the city for the dead collected in and around the place.

In strictness there are fifty-four cemeteries. In the eastern and middle States there are none.

Superintendents are at Cypress Hill cemetery, on Long Island, in New York; at Philadelphia, in Pennsylvania; for the various civil cemeteries near the city in which there are Union dead; at Lowden Park, near Baltimore, in Maryland, and at Indianapolis, in Indiana; also, at the cemeteries at the military posts of Jefferson barracks, in Missouri, Forts Leavenworth and Scott, in Kansas, Fort Smith, in Arkansas, and at the navy yard at Pensacola, in Florida.

The cemeteries at Gettysburg, in Pennsylvania, and Antietam, in Maryland, have not as yet, as is designed, been transferred to the general government, they being governed by boards of trustees. Altogether the number where superintendents are appointed is sixty-three. The other Union dead, not in these cemeteries, repose in a large number of civil cemeteries and grave-yards in all the loyal States, many of whom died from wounds received in battle, or from disease contracted during the rebellion. Others were removed by relatives and friends from the national cemeteries. In the civil cemeteries I visited, I found that the graves were generally well cared for.

The graves in the divisions and sections of the national cemeteries were systematically arranged in one or two rows, with paths, rendering convenient access to them. Their distances from each other, in one direction, from two to three feet, and in the other, from eight to ten feet. I found three modes of making up the graves, viz: circular mounds, mounds with a flat surface on the top, and no mounds. Where sod could readily be obtained the first mode was used; where grass seed had to be sown, the second, as the rain washed the seed from the circular mounds; and in light sandy soil, the third. This last was necessary in many cases, especially in the South, where proper sod could not be obtained, and the heavy rains would wash away the mounds. Sprigs of Bermuda grass were set out in a number of cemeteries, which, in any portion of the South, readily takes root, spreads, and soon forms a close mat. Nearly all the graves have headboards made of pine timber, painted white and lettered in black, giving, when possible, the name, rank, and regiment of the soldier, and date of death. Where these cannot be stated, the words "Unknown soldier" are painted on the board. In a number of cases the graves are marked with a stake, containing the number in the division or section to correspond with the number on the register. Many of these headboards are rotting off at

the surface of the ground. They may be reset by placing them still deeper in the ground, which, however, would mar the appearance of the cemetery. A stake could then be used, but I would not recommend these being replaced with new headboards, which, in the end, would be expensive. In all the cemeteries there are more or less headstones of marble placed there by relatives and friends. In the cemetery at San Antonio, Texas, stone blocks have been placed at the head of each grave, giving to it a very handsome appearance. Now is the time to determine upon a block of iron or stone, and have them ready to replace the headboards as they decay.

The cemeteries, with a few exceptions, are inclosed with substantial paling fences, and neat gates of entrance, kept whitewashed. Where the posts are of cedar or locust, they will last for a number of years, but where they are of pine, as is the case at a number of them, they will soon decay. Measures should now be adopted for replacing these temporary fences with stone or iron, as required by the act of Congress, whenever it may become necessary. The exceptions mentioned above are at the following cemeteries, viz: New Albany, in Indiana; Camp Nelson, in Kentucky; Chattanooga, Fort Donelson, and Shiloh, in Tennessee; and San Antonio, in Texas, all having stone inclosures. The cemetery at Gettysburg, in Pennsylvania, and Antietam, in Maryland, are also inclosed, with permanent materials of iron and stone, principally of the latter, and both of them most creditable to the associations having them in charge.

In replacing the temporary inclosures, it is recommended, where it can properly be done, that on the sides of the cemeteries joining private lands the walls be placed a few feet within the ground belonging to the government. Complaints will not then be made, as has been done, of trespass upon private property, when it may be necessary for the employés to work on the outside of the inclosure.

In many of the cemeteries the lodges first erected are designed to be temporary. They are small, containing two rooms. A third room, as an office, is undoubtedly necessary. I would not recommend their removal, as they will last for some years, but suggest that a small room be added for a kitchen, with a cellar under it. The late structures do contain three rooms, and this I understand will be the case with the permanent ones.

At some of the cemeteries, especially the smaller ones, I found complete registers of the dead. At others, the memorandums made of the interments. The officers having them in charge were busily employed in making the entries in books substantially bound. At the large cemeteries this involves considerable labor, but soon they will all be completed. Besides the entries of the name, rank, regiment, date of death, date of interment and number of grave, there is also given a description of the place from which the body was exhumed, and this is especially the case with the unknown bodies. These minute facts sometimes lead to the identification of a body.

The registers kept at the civil cemeteries are not so minute in their description. In some cases the word "Soldier" appears opposite the name, but where it does not, unless the name of the soldier can be given, the grave cannot be identified.

The superintendents can point out the soldiers' graves in the cemeteries, but their local information will pass away with them. In view of this fact I would renew the recommendation in my former report, that an officer be detailed especially, to proceed to the capitol of each of the loyal States to examine the archives, and seek in other directions the

information respecting the dead buried in these States, other than those in military cemeteries. The work being in the sole charge of the Quartermaster's Department, an experienced officer should be selected from it for this duty. In this way alone, I am of opinion, can a perfect record be made.

At the civil cemeteries where a number of Union soldiers are buried, a separate register should be made and given in charge to the superintendent.

Trees and shrubbery are necessary to beautify the cemeteries. In some of them this has been attended to, but in a number of them but little has been done. It would be well to ask Congress for a special appropriation for the object.

It is impossible to estimate the cost for the completion of the cemeteries. They are now nearly finished, and if, according to the law, stone and iron inclosures have to be made, it will depend upon the cost of the work. If permanent headstones are to be provided, the estimate will be according to the number of graves to be marked.

I have the honor to be, very respectfully, your obedient servant,
L. THOMAS,

Brevet Major General, Inspector of Cemeteries.

Brevet Major General E. D. TOWNSEND,
Adjutant General U. S. Army.

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MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES

COMMUNICATING,

In compliance with a resolution of the Senate of the 3d instant, information as to what States have ratified the amendment known as the fifteenth amendment to the Constitution of the United States.

MARCH 15, 1870.—Read, referred to the Committee on the Judiciary, and ordered to be printed.

To the Senate of the United States :

I transmit a report from the Secretary of State, in answer to a resolution of the Senate of the 3d instant, asking to be informed what States have ratified the amendment known as the fifteenth amendment to the Constitution of the United States, so far as official notice thereof has been transmitted to the Department of State, and that information, from time to time, may be communicated to that body, as soon as practicable, of such ratification hereafter by any State.

U. S. GRANT.

WASHINGTON, March 15, 1870.

DEPARTMENT OF STATE,
Washington, March 10, 1870.

The Secretary of State having received a resolution of the Senate of the 3d instant, directing him to inform that body "what States have ratified the amendment known as the fifteenth amendment to the Constitution of the United States, have transmitted notice thereof to the Department of State, and from time to time, as any State hereafter may ratify the same, to communicate to the Senate, as soon as practicable, the fact of such ratification," has the honor to report to the President that official notice has, up to the present time, been received at this department of the ratification of the amendment to the Constitution of the United States proposed by the fortieth Congress as Article XV, by the several legislatures as follows, viz :

From North Carolina, March 5, 1869.

From West Virginia, March 3, 1869.

From Massachusetts, March 9-12, 1869.

From Wisconsin, March 9, 1869.

From Maine, March 12, 1869.

From Louisiana, March 5, 1869.

From Michigan, March 8, 1869.
From South Carolina, March 16, 1869.
From Pennsylvania, March 26, 1869.
From Arkansas, March 30, 1869.
From Connecticut, May 19, 1869.
From Florida, June 15, 1869.
From Illinois, March 5, 1869.
From Indiana, May 13-14, 1869.
From New York, March 17, April 14, 1869.
From New Hampshire, July 7, 1869.
From Nevada, March 1, 1869.
From Vermont, October 21, 1869.
From Virginia, October 8, 1869.
From Alabama, November 24, 1869.
From Missouri, January 10, 1870.
From Mississippi, January 15-17, 1870.
From Ohio, January 27, 1870.
From Georgia, February 2, 1870.
From Iowa, February 3, 1870.
From Kansas, January 18-19, 1870.
From Minnesota, February 19, 1870.
From Rhode Island, January 18, 1870.
From Nebraska, February 17, 1870.
From Texas, February 18, 1870.

In submitting the foregoing list the Secretary of State does not assume to anticipate the action of Congress in defining the condition or the relations of any State to the federal government. He presents in answer to the resolution of the Senate a list of the resolutions purporting to ratify the proposed amendment, of which notice has been transmitted to the Department of State, with the dates of their respective adoption.

Respectfully submitted.

HAMILTON FISH.

The PRESIDENT.

LETTER
OF
THE SECRETARY OF THE TREASURY

COMMUNICATING,

In compliance with a resolution of the Senate of December 22, 1869, statements regarding the Revenue Marine Service.

MARCH 16, 1870.—Referred to the Joint Select Committee on Retrenchment and ordered to be printed.

TREASURY DEPARTMENT,
March 15, 1870.

SIR: I have the honor to transmit herewith statements regarding the revenue marine service, called for by resolution of the Senate of December 22, 1869.

The statements marked Nos. 1, 2, and 4 apply to the first, second, and fourth queries, viz:

1. Of the original cost of each of the revenue cutters now employed or owned by the United States, and the amount expended upon each in alteration or repairs since its construction.

2. The monthly expense of each revenue cutter now in the service of, or owned by, the government.

4. The number, names, and tonnage of revenue cutters constructed or purchased during the past ten years, the cost of each, how long they were in the service, and what finally became of them; if sold, at what price; and whether steamers or sailing vessels.

Statements numbered 5 and 6, respectively, apply to queries 5 and 6, namely:

5. The number and grade of all officers attached to the revenue marine service since January 1, 1866, giving date of appointment, rate of pay, &c.

Replies to the third and seventh queries must be deferred until the facts pertaining to the doings of the service during the last ten years shall be fully examined, with a view of presenting to Congress, at a future day, an exposé of the whole subject.

Occasion is now taken to transmit, with the papers specified, others marked 8 and 9, respectively, showing operations of cutters for years 1868-'9; also, operations of cutter Perry on the lakes, 1866-'7.

I am, very respectfully,

GEO. S. BOUTWELL,
Secretary of the Treasury.

HON. SCHUYLER COLFAX,
Vice-President of the United States and President of the Senate.

No. 1.—Names, tonnage, &c., of revenue steamers purchased or constructed since 1860.

Name.	Class.	Old tonnage.	When purchased.	When constructed.	Original cost.	Amount expended.	How long in service.	Amount sold for.	Remarks.
Cuyahoga.....	Propeller.....	536	1863	.....	\$103,000	\$32,700	4 years.....	\$31,500	Sold at New York, 1867.
Nemaha.....	Side-wheel.....	240	1861	.....	20,000	25,500	7 years.....	.....	Burned in Chesapeake Bay, 1868.
Reliance.....	Propeller.....	100	1861	.....	9,000	4,700	4½ years.....	4,500	Sold at Baltimore.
Hercules.....	do.....	100	1861	.....	9,000	3,800	4½ years.....	4,000	Do.
Tiger.....	do.....	100	1861	.....	9,000	4,100	4½ years.....	2,900	Do.
Lincoln.....	do.....	500	1865	.....	165,000	18,700	Still in service.	.....	Employed in California, Oregon, and Alaska.
Bronx.....	Side-wheel.....	220	1864	.....	14,000	6,820	do.....	.....	Employed in Long Island Sound.
Seward.....	do.....	240	1863	.....	56,000	11,800	do.....	.....	Employed at Wilmington, N. C.
Miami.....	Propeller.....	220	1862	.....	85,000	24,901	do.....	.....	Employed in Delaware Bay and River.
Wilderness*.....	Side-wheel.....	350	1865	.....	27,500	14,650	do.....	.....	Employed on coast of Louisiana and Mississippi.
Nansemond*.....	do.....	340	1865	.....	18,000	28,400	do.....	.....	Employed on coast of South Carolina and Georgia.
Delaware*.....	do.....	340	1865	.....	36,000	34,000	do.....	.....	Employed in Mobile Bay and coast.
Moccasin*.....	Propeller.....	196	1865	.....	14,000	9,555	do.....	.....	Employed at Newport, R. I., and Vineyard Sound.
Uno*.....	do.....	100	1865	.....	6,000	5,500	do.....	.....	Employed in New York Harbor.
Jasmine*.....	do.....	100	1865	.....	6,000	5,500	do.....	.....	Do.
Northerner.....	Side-wheel.....	320	1864	.....	60,000	12,550	do.....	.....	Employed in Chesapeake Bay and coast.
Mosswood.....	Propeller.....	140	1867	.....	12,000	18,500	do.....	.....	Employed at Eastport, Me.
Hamlin.....	do.....	80	1866	.....	13,000	14,500	do.....	.....	Employed in Boston Harbor.
Guthrie.....	do.....	100	1868	.....	15,000	4,000	do.....	.....	Employed in Patapsco River and Baltimore Harbor.
Ella.....	do.....	35	1866	.....	3,500	1,500	3 years.....	1,800	Sold at New Orleans, 1869.
Wayanda.....	do.....	350	.....	1863	103,000	50,000	Still in service.	.....	Employed on coast of California.
Ashuelot.....	do.....	350	.....	1863	103,000	.....	4 years.....	27,500	Sold at New York, 1867.
Pawtuxet.....	do.....	350	.....	1863	103,000	.....	4 years.....	26,500	Do.
Kewaunee.....	do.....	350	.....	1863	103,000	.....	4 years.....	27,500	Do.
Kankakee.....	do.....	350	.....	1863	103,000	.....	4 years.....	27,000	Do.
Mahoning.....	do.....	350	.....	1863	103,000	49,000	Still in service.	.....	Employed on coast of Maine.
Sherman.....	Side-wheel.....	480	.....	1864	162,000	3,000	do.....	.....	Laid up on lake for the winter.
Fessenden.....	do.....	480	.....	1864	162,000	3,000	do.....	.....	Laid up by act of Congress.
Johnson.....	do.....	480	.....	1864	162,000	2,880	do.....	.....	Do.
Dix.....	do.....	480	.....	1864	162,000	2,700	do.....	.....	Do.
Chase.....	do.....	480	.....	1864	137,000	3,000	do.....	.....	Do.
McCulloch.....	do.....	480	.....	1864	127,000	12,300	do.....	.....	Employed on coast of New York.
Commodore Perry.....	Stern-screw.....	400	.....	1864	87,000	45,500	do.....	.....	Laid up by act of Congress.

* Purchased from the Navy Department in 1865.

No. 2.—Monthly expense of revenue steamers.

REVENUE MARINE SERVICE.

Name.	Pay of officers and crew.	Rations, estimated at 30 cts. per ration.	Expense of deck department.	Expense of engineer department.	Number tons of coal.	Coal, estimated at \$10 per ton.	Total expenditure.
Mosswood.....	\$1,660	\$279	\$65	\$80	50	\$500	\$2,584
Mahoning.....	2,250	432	100	125	60	600	3,507
McCulloch.....	2,250	432	100	125	60	600	3,507
Lincoln.....	2,430	486	100	125	80	800	3,941
Wayanda.....	2,430	486	100	125	80	800	3,941
Bronx.....	1,810	288	65	80	50	500	3,743
Northerner.....	1,965	342	80	100	60	600	3,087
Moccasin.....	1,660	279	65	80	50	500	3,584
E. A. Stevens.....	1,660	279	65	80	50	500	3,584
Nansemond.....	1,965	342	80	100	60	600	3,087
Wilderness.....	2,025	360	80	100	60	600	3,165
Delaware.....	2,025	360	80	100	60	600	3,165
Uno.....	675	90	25	45	20	200	1,035
Jasmine.....	675	90	25	45	20	200	1,035
Hamlin.....	675	90	25	45	20	200	1,035
Guthrie.....	675	90	25	45	20	200	1,035
Seward.....	1,660	279	65	80	50	500	2,584
Miami.....	1,720	315	80	100	50	500	2,715
Sherman.....	645	81	10	15	4	40	791
Fessenden.....	645	81	10	15	4	40	791
Johnson.....	645	81	10	15	4	40	791
Dix.....	645	81	10	15	4	40	791
Chase.....	645	81	10	15	4	40	791
Perry.....	645	81	10	15	4	40	791
Total.....	34,080	5,805	1,285	1,670	924	9,240	52,080

No. 4.—Sailing vessels.

Name.	Class.	Old tonnage.	When purchased.	When constructed.	Original cost.	Amount expended.	How long in service.	Amount sold for.	Remarks.
Antietam	Schooner	90	1863	1867	\$9,000	\$6,400	6 years	\$2,800	Sold in Mobile, December, 1869.
Reliance	do	220	1867	1867	29,500	3,500	Still in service.		Employed on coast of Alaska.
Vigilant	do	220	1867	1867	29,500	3,200	do		Employed at Boston and coast of Massachusetts.
Active	do	120	1867	1867	18,500	2,200	do		Employed in Buzzard's Bay and Vineyard Sound.
Resolute	do	120	1867	1867	18,500	1,500	do		Employed on coast of Florida.
Relief	do	120	1867	1867	18,500	1,300	do		Employed on coast of Texas.
Rescue	do	120	1867	1867	18,500	1,600	do		Employed on coasts of Florida and Georgia.
Petrel	do	120	1867	1867	16,800	1,200	do		Employed on coast of South Carolina.
Racer	do	120	1867	1867	16,800	1,350	do		Employed on coasts of West Florida and Alabama.

Monthly expense of sailing vessels.

Name.	Pay of officers and crew.	Rations, estimated at 30 cts. per ration.	Expense of deck department.	Total expenditure.
Reliance	\$1,549	\$315	\$100	\$1,964
Vigilant	1,549	315	100	1,964
Dobbin	1,414	279	85	1,778
Campbell	1,354	261	85	1,700
Racer	1,354	261	85	1,700
Petrel	1,354	261	85	1,700
Resolute	1,354	261	85	1,700
Relief	1,354	261	85	1,700
Rescue	1,354	261	85	1,700
Active	1,354	261	85	1,700
Thompson	1,354	261	85	1,700
	995	198	50	1,243
Total	14,985	2,934	930	18,849

REVENUE MARINE SERVICE.

Name.	Where born.	Whence appointed.	Original entry in service.	Duty pay per annum.	Vessel in command of.	How long unemployed.	Remarks.
CAPTAINS.							
John A. Webster.....	Maryland.....	Maryland.....	1819	\$2,500	.....	Ten years.....	On leave; aged and disabled.
William A. Howard.....	Maine.....	Maine.....	1830	2,500	.....	.....	Special duty.
Green Walden.....	Maine.....	Maine.....	.....	2,500	.....	Twenty years.....	Sick leave; disabled.
Henry B. Nones.....	Pennsylvania.....	Pennsylvania.....	1831	2,500	.....	.....	Deceased.
Gilbert Knapp.....	Pennsylvania.....	Pennsylvania.....	.....	2,500	Fessenden.....	.....	.....
Douglas Ottinger.....	Pennsylvania.....	Pennsylvania.....	1834	2,500	Perry.....	.....	.....
Thomas Sands.....	Pennsylvania.....	Pennsylvania.....	1834	2,500	Miami.....	.....	.....
Francis Martin.....	Maryland.....	Maryland.....	1834	2,500	Johnson.....	.....	.....
John McGowan.....	New York.....	New York.....	1831	2,500	Northerner.....	.....	.....
John Faunce.....	Pennsylvania.....	Pennsylvania.....	1837	2,500	Sherman.....	.....	Special duty.
John A. Webster, jr.....	Massachusetts.....	.....	1839	2,500	Mahoning.....	.....	.....
John Carson.....	Maryland.....	Pennsylvania.....	1845	2,500	E. A. Stevens.....	.....	.....
George R. Slicer.....	Maryland.....	Maryland.....	1848	2,500	Dix.....	.....	Special duty.
D. C. Constable.....	New York.....	New York.....	.....	2,500	Bronx.....	.....	.....
John M. Jones.....	North Carolina.....	North Carolina.....	.....	2,500	.....	One year.....	Waiting orders.
Stephen Cornell.....	Rhode Island.....	Rhode Island.....	1834	2,500	.....	.....	Deceased.
James D. Usher.....	Virginia.....	Virginia.....	1851	2,500	Seward.....	.....	.....
Benjamin J. Kellum.....	Virginia.....	Virginia.....	.....	2,500	.....	One year.....	Waiting orders.
James H. Merryman.....	District of Columbia.....	District of Columbia.....	1851	2,500	.....	.....	Special duty.
John W. White.....	Virginia.....	California.....	.....	2,500	.....	.....	.....
Joseph Amazeen.....	New Hampshire.....	New Hampshire.....	1860	2,500	Racer.....	.....	.....
Alfred B. Davis.....	Pennsylvania.....	New York.....	1861	2,500	Relief.....	.....	.....
Abram A. Fengar.....	Connecticut.....	Connecticut.....	1861	2,500	Vigilant.....	.....	.....
Timothy Treadway.....	Pennsylvania.....	Pennsylvania.....	1861	2,500	Chase.....	.....	.....
Charles M. Scammon.....	Massachusetts.....	California.....	1861	2,500	Wayanda.....	.....	.....
John Wall Wilson.....	New York.....	New York.....	1861	2,500	Campbell.....	.....	Dismissed.
Daniel D. Tompkins.....	New York.....	New York.....	1861	2,500	.....	.....	.....
James M. Selden.....	Virginia.....	Virginia.....	1861	2,500	Reliance.....	.....	.....
John G. Baker.....	Ohio.....	Ohio.....	1861	2,500	Moccasin.....	.....	.....
Theodore M. Spencer.....	New York.....	New York.....	1861	2,500	.....	Three years.....	Sick leave; disabled.
Samuel C. Colesbury.....	Pennsylvania.....	Pennsylvania.....	1861	2,500	Delaware.....	.....	.....
Samuel S. Warner.....	Ohio.....	Ohio.....	1862	2,500	Dobbin.....	.....	.....
John A. Henriques.....	Connecticut.....	Connecticut.....	1862	2,500	McCulloch.....	.....	.....
Edward A. Freeman.....	Massachusetts.....	Massachusetts.....	1862	2,500	Wilderness.....	.....	.....
David Evans.....	Wales, England.....	California.....	1862	2,500	Lincoln.....	.....	.....
John G. Bond.....	New York.....	New York.....	1862	2,500	Rescue.....	.....	.....
Hugh R. Graham.....	New York.....	New York.....	1861	2,500	.....	.....	Deceased.
Henry D. Hale.....	Maine.....	Maine.....	1861	2,500	Active.....	.....	.....
Daniel B. Hodgson.....	New York.....	New York.....	1861	2,500	Petrel.....	.....	.....

REVENUE MARINE SERVICE.

No. 5.—Number and grade of all officers attached to the revenue marine service—Continued.

Name.	Where born.	Whence appointed.	Original entry in service.	Duty pay annu.	Vessel attached to.	How long un-employed.	Remarks.
FIRST LIEUTENANTS.							
Morton L. Phillips	Delaware	New York	1861	\$1,800	Dix	.....	.....
Frank Barr	Ohio	Delaware	1861	1,800	Mosswood	.....	Waiting orders.
Henry P. Benson	Ohio	Ohio	1843	1,800	.....	One year	.....
David Ritchie	England	District of Columbia	1863	1,800	Thompson	.....	.....
John E. Wilson	District of Columbia	District of Columbia	1859	1,800	Petrel	.....	.....
Thomas W. Lay	District of Columbia	District of Columbia	1862	1,800	Uno	.....	.....
Robert S. Ralston	Pennsylvania	New York	1861	1,800	Seward	.....	.....
J. M. Rosse	.....	Michigan	1864	1,800	Hamlin	.....	.....
James Hill	England	Maine	1864	1,800	.....	.....	Deceased.
W. S. Simmons	Massachusetts	Massachusetts	1861	1,800	.....	One month	Waiting orders.
William C. Piggate	Pennsylvania	Pennsylvania	1861	1,800	Reliance	.....	.....
Edward B. Furlong	Rhode Island	Rhode Island	1865	1,800	Lincoln	.....	.....
Howard L. Briggs	Maine	Maine	1863	1,800	.....	Six months	Waiting orders.
George U. Moore	Maryland	California	1864	1,800	Nansemond	.....	.....
Henry O. Porter	Delaware	District of Columbia	1857	1,800	.....	One year	On leave.
Joseph Irish	Rhode Island	Rhode Island	1863	1,800	Mahoning	.....	.....
Edward C. Gardner	Massachusetts	Massachusetts	1863	1,800	Delaware	.....	.....
Henry P. Hamlin	New York	New York	1863	1,800	Moccasin	.....	.....
Edward S. Dickinson	District of Columbia	District of Columbia	1862	1,800	.....	.....	Deceased.
S. Allen O'Brien	New York	New York	1865	1,800	Sherman	.....	Dismissed.
Edward L. Cowton	Pennsylvania	Pennsylvania	1864	1,800	.....	.....	.....
John C. Mitchell	Massachusetts	Massachusetts	1863	1,800	Campbell	.....	.....
Cyrus W. Pease	Massachusetts	Massachusetts	1864	1,800	Active	.....	.....
George Walden	Maine	Maine	1861	1,800	Wilderness	.....	.....
August C. Cary	England	New York	1861	1,800	Fessenden	.....	.....
George W. King	District of Columbia	District of Columbia	1863	1,800	McCulloch	.....	.....
C. Ernst Webster	Massachusetts	Massachusetts	1861	1,800	Racer	.....	.....
Charles T. Chase	Maine	Maine	1865	1,800	Northerner	.....	.....
W. B. Randolph	Virginia	Florida	1845	1,800	Resolute	.....	.....
John F. Schultz	New York	.....	1861	1,800	Racer	.....	Resigned.
Robert H. Woods	New York	New York	1863	1,800	Rescue	.....	.....
Josiah Pinson	New Jersey	New Jersey	1865	1,800	Jasmine	.....	.....
Charles B. Barlow	Rhode Island	Rhode Island	1865	1,800	.....	One year	Waiting orders.
Fred W. Sparrell	Massachusetts	Massachusetts	1865	1,800	Chase	.....	.....
Charles H. Dixon	New York	New York	1865	1,800	Guthrie	.....	.....
George de Hunter	Delaware	New York	1865	1,800	Miami	.....	.....
George W. Bailey	New York	New York	1865	1,800	Wayanda	.....	.....
Charles de Abbey	New York	New York	1865	1,800	Stevens	.....	.....
Joseph R. Delan	New York	New York	1865	1,800	.....	.....	Resigned.
Edward P. Collins	New York	New York	1865	1,800	Perry	.....	.....

John W. Page.	Massachusetts	Massachusetts	1865	1,800	Dobbin	Waiting orders.
Edward L. Deane	Maine	Maine	1865	1,800	Dobbin	Waiting orders.
SECOND LIEUTENANTS.						
Charles W. Smith	Maryland	Maryland	1865	1,500	Nansemond	Deceased.
Beverly R. Clarke	Florida	Maine	1865	1,500	Mahoning	On leave.
George Riley	Connecticut	Connecticut	1865	1,500		Resigned.
Michael Healey	Massachusetts	Massachusetts	1865	1,500	Resolute	On leave.
John S. Madigan	Maryland	Maryland	1862	1,500	McCulloch	
Thomas B. Mullett	Ohio	Ohio	1865	1,500	Seward	
Horace J. Gambrell	Maryland	Maryland		1,500	Petrel	
William F. Reynolds	Ohio	Ohio	1865	1,500	Campbell	
H. W. Harwood	District of Columbia	District of Columbia	1865	1,500	Northerner	
Thomas K. Traverse	Maryland	Maryland	1865	1,500	Mosswood	
Stephen Longfellow	Maine	Maine	1865	1,500		On leave.
Benjamin F. Macintyre	Massachusetts	Massachusetts	1865	1,500	Dobbin	On leave.
J. Hatch Parker	Maine	Maine	1865	1,500		Deceased.
Henry T. Blake	New York	New York	1865	1,500		
Henry R. Towle	Massachusetts	Massachusetts	1865	1,500		
Leander M. Keene	Maine	Maine	1865	1,500	Racer	
Benjamin W. Loring	Pennsylvania	Pennsylvania	1865	1,500	Bronx	
Louis N. Stodder	Massachusetts	Massachusetts	1865	1,500	Vigilant	
Jeff A. Slamm	Massachusetts	Massachusetts	1865	1,500	Relief	
Eric Gabrielson	New York	New York	1865	1,500	Miami	
Alfred Hornsby	Maine	Maine	1865	1,500		Resigned.
William A. Willis	Maine	Maine	1865	1,500		Resigned.
James B. Moore	Connecticut	Connecticut	1865	1,500	Seward	
William N. Cornell	New York	New York	1865	1,500		On leave.
William E. Chester	Connecticut	Connecticut	1865	1,500	Petrel	Three months.
George B. Hansell	District of Columbia	District of Columbia	1865	1,500	Lincoln	Six months
D. Francis Tozier	Maine	Maine	1865	1,500	Moccasin	
Joseph K. Kelso	Pennsylvania	Pennsylvania	1865	1,500		On leave.
Fred M. Munger	Maine	Maine	1865	1,500		On leave.
M. Grant Woodward	Massachusetts	Massachusetts	1865	1,500	Wayanda	On leave.
Henry L. Bennett	Pennsylvania	Pennsylvania	1865	1,500		On leave.
Russell Glover		California	1865	1,500	Reliance	On leave.
Calvin Hooper		California	1865	1,500		Sick.
John Davidson		California	1865	1,500		
Augustus W. Constable	New York	New York	1865	1,500	Rescue	
Leonard Sheppard	Massachusetts	Massachusetts	1865	1,500	Delaware	
THIRD LIEUTENANTS.						
Robert Henderson	New Hampshire	New Hampshire	1865	1,200	Alaska	Waiting orders.
John O. Johnson	Maine	Maine	1865	1,200		Waiting orders.
George E. Thurston	Maine	Maine	1866	1,200		
James H. Rogers	Maine	Maine	1866	1,200	Bronx	
Albert J. Melchert	Prussia	Maine	1866	1,200	Rescue	
William C. Pease	Massachusetts	Massachusetts	1866	1,200	McCulloch	
James H. Berry	New Hampshire	New Hampshire	1866	1,200	Vigilant	Dismissed.
Edward Pendester	New Hampshire	New Hampshire	1866	1,200	Resolute	

No. 5.—Number and grade of all officers attached to the revenue marine service.—Continued.

Name.	Where born.	Whence appointed.	Original entry in service.	Duty pay per annum.	Vessel attached to.	How long unemployed.	Remarks.
William McKendry	New Hampshire	New Hampshire	1866	\$1,200	Vigilant	.....	
Edward W. Creedy	Louisiana	Louisiana	1866	1,200	Bronx	.....	
Henry C. Snow	Maine	Maine	1866	1,200	Mosswood	.....	
Theodore E. Baldwin	Connecticut	Connecticut	1867	1,200	Delaware	.....	
Thomas H. Ridgate	District of Columbia	District of Columbia	1867	1,200	Wilderness	.....	
James McVey	Pennsylvania	Pennsylvania	1867	1,200	.....	.....	Deceased.
George Gerrard	New York	New York	1867	1,200	.....	.....	Deceased.
Samuel A. Brooks	Massachusetts	Massachusetts	1867	1,200	Wayanda	.....	
Thomas E. Ashmead	Pennsylvania	Pennsylvania	1867	1,200	Petrel	.....	
Winslow B. Barnes	Massachusetts	Massachusetts	1867	1,200	Alaska	.....	
Charles H. Read	Ohio	Ohio	1867	1,200	Miami	.....	
William Charlton, jr.	Pennsylvania	Pennsylvania	1867	1,200	Active	.....	
Lemuel C. Cowan	Pennsylvania	Pennsylvania	1867	1,200	Reliance	.....	
James F. Otis	Maine	Maine	1867	1,200	McCulloch	.....	
George R. Bakeman	Maine	Maine	1867	1,200	Dobbin	.....	
Thomas S. Smythe	New York	New York	1867	1,200	Thompson	.....	
George Williams	Massachusetts	Massachusetts	1867	1,200	.....	.....	On leave.
Horatio D. Smith	Massachusetts	Massachusetts	1867	1,200	E. A. Stevens	.....	
J. E. N. Grahame	Maine	Maine	1867	1,200	Moccasin	.....	
Robert Barstow	New Hampshire	New Hampshire	1867	1,200	Mahoning	.....	
John Walker	District of Columbia	District of Columbia	1867	1,200	Resolute	.....	
Thompson A. Murray	Illinois	Illinois	1867	1,200	Seward	.....	
J. W. Congdon	Rhode Island	Rhode Island	1868	1,200	Relief	.....	
Walter Walton	New York	New York	1865	1,200	Resolute	.....	
W. C. Coulston	Illinois	.....	1868	1,200	Wilderness	.....	
Richard Canfield	Rhode Island	Rhode Island	1868	1,200	.....	.....	Deceased.
W. F. Kilgore	Connecticut	District of Columbia	1868	1,200	Campbell	.....	
C. F. Shoemaker	New York	Maryland	1868	1,200	Moccasin	.....	
J. M. Simms	District of Columbia	District of Columbia	1868	1,200	Mahoning	.....	
R. E. Clark	New Hampshire	Maryland	1868	1,200	Northerner	.....	
John Owen	Maine	Maine	.....	.....	Relief	.....	
Henry L. Sturgis	Massachusetts	Connecticut	.....	.....	Racer	.....	
Samuel Howard	Massachusetts	Rhode Island	.....	.....	Nansemond	.....	
CHIEF ENGINEERS.							
Walter Scott	New York	New York	1863	1,800	.....	.....	Special duty.
Frank H. Pulsifer	New York	New York	1863	1,800	.....	.....	Special duty.
Eugene Vallat	New York	New York	1864	1,800	Johnson	.....	
Charles G. Dale	New York	New York	1864	1,800	Bronx	.....	
M. H. Plunkett	Massachusetts	Massachusetts	1865	1,800	Fessenden	.....	
D. C. Cheater	New York	New York	1865	1,800	Chase	.....	
Alex. Auchincloss	Pennsylvania	New York	1865	1,500	Dix	.....	

M. T. Chevers.....	District of Columbia..	Maryland.....	1865	1,800	McCulloch.....	Special duty.
Andrew L. Harrison.....	New York.....	New York.....	1865	1,800	Delaware.....	
James T. Wayson.....	Maryland.....	Maryland.....	1865	1,800	Wayanda.....	
Charles H. Stone.....	New York.....	New York.....	1865	1,800	Wilderness.....	
F. A. D. Bremond.....	Maine.....	Maine.....	1865	1,800	Mahoning.....	
William C. Wheeler.....	Virginia.....	Maryland.....	1865	1,800	.....	
Thomas Fitzpatrick.....	Ohio.....	Ohio.....	1865	1,800	Sherman.....	One year.
James F. Leviness.....	Rhode Island.....	Rhode Island.....	1864	1,800	Wayanda.....	
J. Eugene Jeffries.....	Maryland.....	Maryland.....	1864	1,800	Seward.....	
James A. Doyle.....	New York.....	New York.....	1865	1,800	Lincoln.....	
F. W. H. Wittaker.....	Massachusetts.....	Massachusetts.....	1865	1,800	Stevens.....	
Henry C. Henshaw.....	District of Columbia..	District of Columbia..	1863	1,800	Nansemond.....	One year.
Patrick Braunan.....	New York.....	New York.....	1865	1,800	Perry.....	
Levi C. Coit.....	.....	New York.....	1865	1,800	.....	Resigned.
John J. Roberts.....	Maryland.....	Maryland.....	1864	1,800	Northerner.....	
FIRST ASSISTANT ENGINEERS.						
Sidney T. Taylor.....	Maryland.....	Maryland.....	1863	1,500	Guthrie.....	
Patrick Kane.....	Ireland.....	Maryland.....	1863	1,500	Seward.....	
Stephen Keogh.....	Pennsylvania.....	Pennsylvania.....	1863	1,500	Mosswood.....	
Horace A. Green.....	New York.....	New York.....	1863	1,500	Uno.....	
Horace Hassall.....	New York.....	New York.....	1863	1,500	Lincoln.....	Two months.
J. Madison Case.....	Maryland.....	Maryland.....	1865	1,500	Northerner.....	
J. M. McDougal.....	New York.....	New York.....	1865	1,500	Hamlin.....	Six months.
Andrew J. Dally.....	New York.....	New York.....	1865	1,500	Wayanda.....	
Thomas Polhemus.....	New York.....	New York.....	1865	1,500	Jasmine.....	Three months.
Edward Aspal.....	New Jersey.....	New Jersey.....	1865	1,500	Moccasin.....	
George Dereamer.....	New Jersey.....	New Jersey.....	1865	1,500	Wilderness.....	
James F. Tupper.....	New York.....	New York.....	1865	1,500	Bronx.....	Six months.
John M. Dexter.....	Ohio.....	Ohio.....	1865	1,500	Nansemond.....	
Joseph White.....	Canada.....	New York.....	1864	1,500	Stevens.....	Resigned.
J. B. F. Hawkins.....	New York.....	New York.....	1865	1,500	.....	Waiting orders.
John R. Dally.....	New York.....	New York.....	1865	1,500	.....	Waiting orders.
Joseph L. Reilly.....	Pennsylvania.....	Pennsylvania.....	1865	1,500	.....	Waiting orders.
William D. Kay.....	Massachusetts.....	Massachusetts.....	1865	1,500	.....	Waiting orders.
David Dettmore.....	Maine.....	New York.....	1865	1,500	.....	Resigned.
Charles M. Goodwin.....	Massachusetts.....	Maine.....	1865	1,500	.....	
M. D. L. Dinsmore.....	Massachusetts.....	Massachusetts.....	1866	1,500	Miami.....	
Charles A. Satterlee.....	Massachusetts.....	Massachusetts.....	1866	1,500	McCulloch.....	
Norton J. Warner.....	New York.....	New York.....	1866	1,500	.....	
Charles H. Ball.....	Maryland.....	Maryland.....	1865	1,500	Mahoning.....	One year.
SECOND ASSISTANT ENGINEERS.						
Robert Wallace.....	New Hampshire.....	New Hampshire.....	1865	1,200	Mosswood.....	Resigned.
Howard P. Gray.....	Maryland.....	Maryland.....	1865	1,200	.....	
George M. Robinson.....	Maryland.....	Maryland.....	1865	1,200	Northerner.....	
Daniel F. Kelley.....	Maryland.....	Maryland.....	1865	1,200	Mahoning.....	
Edward F. Hedden.....	Pennsylvania.....	Pennsylvania.....	1865	1,200	McCulloch.....	
A. L. Churchill.....	Massachusetts.....	Massachusetts.....	1865	1,200	Moccasin.....	
Charles A. Laws.....	Pennsylvania.....	Pennsylvania.....	1865	1,200	Nansemond.....	

No. 5.—Number and grade of all officers attached to the revenue marine service—Continued.

Name.	Where born.	Whence appointed.	Original entry in service.	Duty pay per annum.	Vessel attached to.	How long unemployed.	Remarks.
John W. Collins	New York	New York	1866	\$1,200		Six months	Waiting orders.
Joseph Severns	Pennsylvania	Pennsylvania	1866	1,200		Four months	Waiting orders.
John P. Cloyd	Massachusetts	Massachusetts	1866	1,200	Lincoln		
James B. Lucas	Maryland	Maryland	1866	1,200	Delaware		
A. F. Rockfeller	New York	New York	1866	1,200	McCulloch		
Lemuel Bernard	Michigan	Michigan	1866	1,200			Dismissed.
James Ogden	Pennsylvania	Pennsylvania	1866	1,200	Moccasin	Six months	
M. G. Marsilliot	Wisconsin	Wisconsin	1866	1,200	Delaware	Three months	
Alfred Hoyt	Massachusetts	Massachusetts	1866	1,200	Bronx		
David Biers	New York	New York	1866	1,200			Resigned.
Abner Greenleaf	Maine	Maine	1866	1,200	Seward		
Charles J. Price	Ohio	Ohio	1866	1,200	Wayanda	Four months	
Wesley J. Phillips	Maryland	Maryland	1867	1,200	Lincoln	One year	
Patrick Maloney	New York	New York	1867	1,200	Miami		
Frank Neale	District of Columbia	District of Columbia	1867	1,200	Wilderness		
J. W. Clark	Maryland	Maryland	1868	1,200	E. A. Stevens		

Nos. 3 AND 7.

NOTE.—The answers to the Senate resolution of December 22, 1869, transmitted herewith, reply to the 1st, 2d, 4th, 5th, and 6th queries.

The reply to the 3d and 7th cannot now be given, inasmuch as a very large number of accounts and records must be examined in order to determine the amount "resulting from fines, forfeitures, and penalties, the obtaining of which was due to any revenue cutter," &c.

And such is the case with reference to the "classifying expenditure of service into separate branches," &c.

In the general survey of the service which is now being made, with reference to a public exposé of its workings, these matters, with others essential to an understanding of the whole subject of the revenue marine, will be laid before Congress.

No. 8.—*Exhibit of service performed by revenue cutters in year 1868.*

Name of cutter.	Description of cutter.	Vessels in distress assisted.	Seizures made.	No. of miles sailed.	Vessels board'd and examined.	Lives saved.	Station and remarks.
Active	Schooner..	6	....	5,280	520	....	New Bedford, Massachusetts.
Antietam	do	8	....	2,460	11	....	Brazos de Santiago, Texas.
Bronx	Steamer ..	2	3	2,520	1,206	....	New York.
Campbell	Schooner..	8	....	3,880	517	....	New London, Connecticut.
Crawford	do .....	....	....	5,625	367	....	Newport, Rhode Island. Repairing 1 month.
Delaware	Steamer ..	1	....	4,440	73	....	Mobile, Alabama. Repairing 4 months.
Dobbin	Schooner..	2	4	6,477	193	....	Castine, Maine.
Ella	Steamer ..	2	3	5,460	141	....	New Orleans, Louisiana.
Lane, Joe	Schooner..	3	....	3,160	32	....	Puget Sound. Six months at Astoria, Oregon.
Lincoln	Steamer ..	1	2	4,270	8	4	Puget Sound. San Francisco, 5 months.
Mahoning	do	9	4	6,198	131	....	Portland, Maine. Repairing 3 months.
McCulloch	do	3	....	7,360	119	....	New York. Repairing 3 months.
Miami	do	12	3	2,640	138	8	Delaware River. In commission 6 months.
Moccasin	do	6	2	4,920	77	....	Wilmington, North Carolina, 11 months.
Morris	Schooner..	4	2	3,482	107	....	Mobile, Alabama, 11 months.
Mosswood	Steamer ..	6	18	2,560	518	....	Eastport, Maine.
Nansemond	do	2	....	6,300	57	....	Savannah, Georgia.
Northerner	do	8	3	12,540	235	....	Baltimore, Maryland.
Petrel	Schooner..	1	....	1,280	34	....	Appalachicola, Florida.
Racer	do	1	4	1,440	70	9	Charleston, South Carolina.
Reliance	do	1	1	7,980	16	....	San Francisco and Alaska.
Relief	do	3	7	2,730	255	....	Galveston, Texas.
Resolute	do .....	....	....	3,761	96	....	Key West, Florida.
Rescue	do .....	....	2	2,580	40	4	Fernandina, Florida.
Seward	Steamer ..	2	2	5,400	558	....	Delaware River.
Stevens, E. A.	do .....	....	....	2,615	280	....	Newbern, North Carolina, 5 months.
Sunnyside	Schooner..	....	6	3,450	198	....	Waldoboro, Maine.
Thompson	do	3	3	1,026	70	....	Beaufort, North Carolina.
Toucey	do	2	4	3,840	301	....	New Haven.
Vigilant	do	4	....	5,420	1,326	....	Boston.
Wayanda	Steamer ..	7	5	12,216	101	....	San Francisco.
Wilderness	do	2	1	13,600	128	....	New Orleans, Louisiana.
Total .....	.....	109	79	156,910	7,927	25	

Exhibit of service performed by revenue cutters in year 1869.

Name of cutter.	Description of cutter.	Vessels in distress assisted.	Seizures made.	No. of miles sailed.	Vessels board'd and examined.	Lives saved.	Station and remarks.
Active	Schooner..	7	1	3,750	226	.....	New Bedford, Massachusetts.
Antietam	do .....	.....	.....	2,760	37	.....	Brazos de Santiago, Tex. Sold Dec. at Mobile.
Bronx	Steamer ..	2	2	3,630	746	.....	New York. Under U. S. marshal from July.
Campbell	Schooner..	3	.....	3,690	427	.....	New London, Connecticut.
Crawford	do .....	.....	.....	3,500	98	.....	Newport, Rhode Island. Sold in June.
Delaware	Steamer ..	6	1	3,980	171	.....	Mobile, Alabama.
Dobbin	Schooner..	2	1	4,080	466	.....	Castine, Maine.
Ella	Steamer ..	1	.....	1,960	304	.....	New Orleans. Sold in July.
Lane, Joe	Schooner..	1	.....	4,060	15	.....	Puget Sound. Sold in July.
Lincoln	Steamer ..	.....	.....	12,800	7	.....	Alaska.
Mahoning	do	1	6	5,460	134	.....	Portland, Maine, and New York. Under United States marshal 5 months.
McCulloch	do	2	3	5,700	49	.....	New York, Savannah, and Wilmington. Under United States marshal 3 months.
Miami	do	5	10	2,050	370	.....	Delaware River.
Mosswood	do	8	11	2,200	538	.....	Eastport, Maine.
Moccasin	do	9	.....	3,950	109	.....	Wilmington, N. C., and Newport, R. I.
Nansemond	do	2	.....	4,740	19	.....	Savannah. Five months under repairs.
Northerner	do	17	30	12,000	306	.....	Baltimore, Maryland.
Petrel	Schooner..	.....	3	2,720	110	.....	Appalachicola, Florida.
Racer	do	1	.....	2,600	56	2	Charleston, South Carolina.
Reliance	do	2	3	3,000	33	.....	Alaska.
Relief	do	6	.....	3,920	196	.....	Galveston, Texas.
Rescue	do .....	.....	2	3,380	47	.....	Fernandina, Florida.
Resolute	do .....	.....	.....	2,990	149	.....	Key West, Florida.
Seward	Steamer ..	2	2	4,150	297	.....	Delaware River, Wilmington, North Carolina, and New York.
Stevens, E. A.	do	3	.....	3,600	169	.....	Newbern, North Carolina.
Thompson, J.	Schooner..	2	3	1,040	141	.....	Beaufort, N. C., and Georgetown, S. C.
Toucey	do	2	2	2,950	207	4	New Haven, Connecticut. Sold in June.
Vigilant	do	4	.....	4,380	275	.....	Boston, Massachusetts.
Wayanda	Steamer ..	4	1	5,200	9	4	Alaska and San Francisco.
Wilderness	do	3	.....	8,244	148	3	New Orleans.
Total .....	.....	95	81	129,484	5,859	13	

RECAPITULATION.

Year.	Number of cutters employed.	Vessels boarded and examined.	Vessels in distress assisted.	Vessels seized for violation of law.	Lives saved.	Number of miles sailed.
1868	32	7,927	109	79	25	156,910
1869	30	5,859	95	81	13	129,484
Uno and Jasmine in harbor of New York in 1869 .....	.....	5,441	.....	.....	.....	.....
Total	62	19,227	204	160	38	286,394

No. 9.—*Exhibit of service performed on the lakes by the revenue steamer Commodore Perry.*

In eleven months' active duty on Lake Erie, in 1866 and 1867, the revenue steamer Commodore Perry performed the following for the protection of the revenue of the United States and aiding marine commerce:

	Miles.
The vessel was moved secretly at night along the coast from one place to another equal to a distance of	2,534
During daylight was moved	2,036
Boats were moved secretly on detached service at night	774
Boats were moved on detached service in daylight	780
	6,124
Deduct 220 miles on trial trip, made by order of the Secretary of the Treasury, June, 1866	220
Sailed for the protection of the revenue	5,904

REVENUE MARINE SERVICE.

13

Foreign vessels boarded and examined.....	58
Coastwise vessels boarded and examined.....	346

Total boarded and examined for the protection of the revenue.....	404
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Vessels seized or detained, together with such as were held by a force from the Perry, on call for assistance by collectors of the customs	118
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Vessels to which effectual assistance was given when in peril, and estimated value of the same:

Steam-propeller Owego, aground outside of harbor.....	\$35,000
Bark Naomi and cargo, aground on the open coast; private tugs ineffectual..	28,000
Schooner Antelope on fire; put out by force from the Perry.....	1,000
Steam-propeller Marquette, aground outside of harbor.....	40,000
Schooner Onsono, aground outside; private tugs ineffectual.....	30,000
Schooner Pride of Ireland, rescued crew, and towed into port.....	1,500

Total.....	135,500
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Picked up on the open lake a boat containing thirteen men, much exhausted, who had escaped from a propeller which had foundered on the lake in the gale of that day.

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THE HISTORY OF THE
CITY OF BOSTON
FROM THE FIRST SETTLEMENT
TO THE PRESENT TIME
BY NATHANIEL BENTLEY
VOLUME I
PUBLISHED BY J. B. ALLEN, 1857

2

LETTER

OF THE

SECRETARY OF THE INTERIOR

TRANSMITTING

A communication from the Commissioner of Indian Affairs, in relation to the manner in which the settlers upon the Black Bob Shawnee lands have interfered with the occupancy and disposition of the same.

MARCH 17, 1870.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 16, 1870.

SIR: In answer to a resolution of the Senate adopted on the 13th December last, this department communicated to that body copies of all papers on file in relation to the "Black Bob" Shawnee lands in Kansas.

I now have the honor to transmit herewith a copy of a communication, dated the 8th instant, from the Commissioner of Indian Affairs, and accompanying papers, to be considered by the Senate in connection with the papers communicated as aforesaid, in relation to the said "Black Bob" lands.

Very respectfully, your obedient servant,

W. T. OTTO,
Acting Secretary.

Hon. SCHUYLER COLFAX,
President of the Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 8, 1870.

SIR: I have the honor to state that I have received a communication from Superintendent Hoag, bearing date the 28th ultimo, inclosing a letter from Agent Roberts, of the 25th ultimo, giving a detailed statement of the unwarrantable manner in which the settlers upon the Black Bob Shawnee lands have interfered with the occupancy and disposition of the same.

I inclose herewith a copy of the letter of Superintendent Hoag, together with that of Agent Roberts, with the suggestion that you cause the same to be transmitted to the Senate of the United States, to be considered by that body in connection with the other papers in reference to said Black Bob lands, copies of which were furnished to the

Senate, in compliance with a resolution adopted by that body on the 13th of December last.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

Hon. J. D. COX,
Secretary of the Interior.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Lawrence, Kansas, 2d mo., 28, 1870.

SIR: Herewith please find Agent Roberts's statement of the condition of affairs in his agency. It appears by his report that a small number of settlers on the Black Bob lands, in violation of the "intercourse laws," through their organization, are permitted to deprive the Indians of their just rights to sell their lands and to receive a just value for the same, and that those occupying said lands who would sell to honest seekers for homes thereon are not permitted so to do; and that purchasers are deterred from settling thereon, except on the terms demanded by "the league." Believing the agent's statements are fully substantiated, and that the Indians are suffering, not only in their property but in the prolonged derangement of their removal, I deem proper, therefore, respectfully to urge that the said Indians be secured in their just rights in the transfer of their property at its full value without further restriction.

Respectfully,

ENOCH HOAG,
Superintendent Indian Affairs.

Hon. E. S. PARKER, *Commissioner.*

SHAWNEE INDIAN AGENCY,
Olathe, Kansas, 2d mo., 25, 1870.

As an agent of the government, on behalf of the Shawnee tribe of Indians in Kansas, I have to say I have felt embarrassed in endeavoring to carry out the design of government authorizing the sale of their lands here, and their removal to a new home in the Indian Territory. This embarrassment applies most especially to that portion of the reservation known as the Black Bob's selection, a part of whom chose to make selections and hold their lands in severalty, as permitted in the treaty of 1854.

These lands were deserted by the Indians (as is generally known) in time of the southern rebellion, occasioned by frequent raids from Missouri, to which their lands are contiguous; and on the return of the Indians to their homes they were settled upon by white men claiming to have encouragement therein from government officers. Soon after entering upon the duties of this agency, I was furnished with new rules governing the sale of Shawnee lands, which permitted the sale of their entire allotments without reserve, and I allowed sales to take place even upon the Black Bob lands, though not without hesitancy, as I was aware that Superintendant Hoag had been required to make some in-

vestigations relative to former selections and sales of said lands, and that he had not at that time made report to the Commissioner of Indian Affairs, as required.

On or about the first of 10th month last I was waited upon by a committee of the Black Bob settlers, desiring a suspension of the sales of that land for a time, and promising to purchase of the Indian when they (the settler) could be assured of a good title. I thought best to grant their request, and the suspension continued some six or eight weeks, when I was informed that the superintendent, Enoch Hoag, had made his report above referred to, and that said report was approved in the Indian department.

A question then arose in my mind whether strict justice was being done to the Shawnees, who had made selections on the Black Bob reservation, and who had been very importunate in regard to the privilege of selling, in order to remove and settle in the Cherokee nation; and after duly considering the subject, a notice was sent to the committee of the settlers above referred to, that sales would again open, and that they might avail themselves of the privilege of purchase direct from the Indian.

Soon after resuming these sales, I was again visited by that committee of the Black Bob settlers, who demanded my authority for resuming the sales, saying they were not yet ready to purchase of the Indians, as they were sustaining an agent or attorney at Washington, who expected to show the selections and sales of these lands a fraud, and to be instrumental in the extinguishing of the Indian title to these lands, that they, the settlers, might obtain them at government price. They then repeated the injunction to withhold the present sale of said lands. I answered in the negative; that as I have been placed here as agent for the Indian, I deem it my duty to look after his interest, and they having an agent looking after their interest, should not claim my service.

But that which seems most to disturb the peace of this vicinity, and deter, in measure, the Indian from a liberal compensation for these lands, is the timidity occasioned by threats of violence by certain organizations of the settlers, in public print and otherwise, against purchasers or persons negotiating purchase of the Indian, as the following statement will show, which occurred soon after the reception at this office of the acting commissioner's telegram of 29th of 12th month last, to suspend these sales: F. Britain, a Shawnee Indian, came in this office, and desired to sell some Black Bob land that he had. He cried upon being told he could not sell; he then said, "I am sorry poor Indian try to sell to settler; he won't buy, and says he will get the land from government for one twenty-five an acre; we want to sell to one who will pay us for the land; when we take a man to see the land, the settler says, 'If you buy we will kill you;' now, agent, we want to sell to speculator, he give three dollars an acre; we buy more meat with three than with one twenty-five; Indian go further south with three dollars than with one twenty-five."

We cannot vouch for the truth of Britain's statement, but one thing we notice in public prints purporting to be from an organization of the Black Bob settlers, warning all persons, speculators or those claiming under them, against stepping in between the settler and the government or between the former and the Indian, as they do so at their peril.

A person by the name of Dean, who bought last autumn some of the Black Bob land, by first obtaining my concurrence to contract both with the settler and the Indian owning it, and paid the latter a fair price in money for the land, now tells us that he collected materials thereon to

build a house for a son who wished to settle upon it; the materials were consumed by fire, evidently the work of an incendiary.

There are some respectable settlers on the Black Bob lands who are willing to buy of the Indian and pay a fair price, and who doubtless disapprove of the rashness above referred to.

My own sympathies have heretofore been in favor of all the settlers, but since I find a portion of them not disposed to buy of the Indian when an opportunity offers, nor permit any one else to do so, without hazarding life or property, I have to say my sympathies have much weakened toward them, and it seems to me that such should not receive the favor of legislative bodies or others in authority, but rather a reprimand.

The sales of Black Bob lands will not reopen until authorized by the Indian Bureau.

Very respectfully,

REUBEN L. ROBERTS,
U. S. Indian Agent.

E. S. PARKER,

Com. of Indian Affairs, Washington, D. C.

(Care of Enoch Hoag, Sup't of Indian Affairs, Lawrence, Kansas.)



LETTER
OF
THE SECRETARY OF WAR

COMMUNICATING,

In compliance with a resolution of the Senate of January 28, 1870, the report of the Chief of Engineers upon the survey of the harbor of Du Luth, at the head of Lake Superior.

FEBRUARY 4, 1870.—Referred to the Committee on Commerce.

MARCH 18, 1870.—Ordered to be printed.

WAR DEPARTMENT,
February 2, 1870.

The Secretary of War has the honor to submit to the Senate of the United States, in compliance with the resolution of January 28, 1870, the accompanying report of the Chief of Engineers upon the survey of the harbor of Du Luth, at the head of Lake Superior.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., February 1, 1870.

SIR: In answer to a resolution of the Senate of January 28, 1870, calling for the results of the survey of the harbor of Du Luth, at the head of Lake Superior, made with a view to the construction of such improvement as may be necessary for the better protection of the shipping at that port, I beg leave herewith to transmit a report upon this subject, dated November 30, 1869, from Brevet Colonel J. B. Wheeler, Corps of Engineers, in charge of harbor improvements on Lake Superior, together with extracts from so much of the proceedings of a board of officers of the Corps of Engineers assembled at Milwaukee, January 19, 1870, to examine into and report upon certain harbor improvements on Lakes Superior and Michigan, as relate to the harbor in question.

These papers will, it is hoped, supply the desired information; and the resolution is returned herewith.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

Extract from the proceedings of a board of engineers convened in pursuance of the following order, viz:

[Special Orders No. 1.]

HEADQUARTERS CORPS OF ENGINEERS,
Washington, D. C., January 5, 1870.

A board of officers of the Corps of Engineers, to consist of Colonel J. N. Macomb, brevet colonel United States Army; Lieutenant Colonel W. F. Reynolds, brevet brigadier general United States Army; Major J. B. Wheeler, brevet colonel United States Army; Major G. Weitzel, brevet major general United States Army; Major W. McFarland, brevet major United States Army; will assemble at Milwaukee, Wisconsin, on Tuesday, January 11, 1870, or as soon thereafter as practicable, to take into consideration certain harbor improvements on Lakes Superior and Michigan, which will be designated in special instructions from these headquarters.

By command of Brigadier General Humphreys:

WM. P. CRAIGHILL,
Major of Engineers and Bvt. Lieut. Col. U. S. A.

WEDNESDAY, January 19, 1870.

The board met at 10 o'clock a. m., at the United States engineer office, Milwaukee, Wisconsin. * * * *

The following letter of instructions for the guidance of the board was then laid before it:

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., January 5, 1870.

COLONEL: * * * *

The board will also take into consideration the plans submitted by Brevet Colonel J. B. Wheeler, November 30, 1869, for the improvement of the harbor of Du Luth, Minnesota, and report upon the most economical plans suited to the wants of the present and possible future commerce of this locality.

The board will report upon the respective merits of the three plans presented by Brevet Colonel Wheeler, and whether, in the event of a limited appropriation, a shorter breakwater than that proposed would afford sufficient shelter.

Brevet Colonel Wheeler will be instructed to submit to the board all reports, maps, and other information in his possession bearing upon the questions under consideration.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier General and Chief of Engineers.

Col. J. N. MACOMB,
Corps of Engineers, Milwaukee, Wisconsin.

HARBOR OF DU LUTH, MINNESOTA.

Du Luth is at the west end of Lake Superior, upon an open coast, with no natural advantage for a harbor other than deep water affords. The west end of the lake, for a mile from the coast, has been known to be closed by ice as late as the first week of June. The only natural harbor in this part of the lake, west of the Apostle Islands, is that afforded by the St. Louis River, which debouches at the lower end of Minnesota Point, about seven miles from the village of Du Luth; and for this the general government has already adopted a plan of improvement, and progressed therewith to the extent of making the mouth of the river valuable as a harbor. The completion of this improvement, at a probable additional cost of one hundred and fifty-five thousand dollars, will undoubtedly furnish all the accommodation for vessels required by the present or prospective wants of the commerce likely to center at the head of Lake Superior.

An exterior artificial harbor at Du Luth could be constructed only at

a much greater cost, and when made would be more limited in its advantages and more expensive to keep in repair.

In view of these facts, and after an examination of the three plans for the improvement of this harbor presented by Colonel Wheeler, the board is of the opinion that the present wants of the commerce of Du Luth are already sufficiently provided for, and that its possible future commerce may be best and most economically provided for by the completion of the improvements of the entry to Superior Bay, or mouth of the St. Louis River, and therefore recommends the adoption of the third plan presented by Colonel Wheeler in his report to the Chief of Engineers, dated November 30, 1869, which seems to the board to be the most desirable of the three.

Report on the harbor at Du Luth, Minnesota, by Brevet Colonel J. B. Wheeler, major of engineers, United States Army.

UNITED STATES ENGINEER OFFICE,
Milwaukee, Wisconsin, November 30, 1869.

GENERAL: In obedience to your orders of May 7, 1869, I instructed Captain James W. Cuyler, United States Engineers, to make a survey of the harbor of Du Luth, Minnesota, and submit a plan for its improvement, with estimates of cost.

For a better understanding of the case he was required to connect his survey with that of the entrance to Superior Bay.

A tracing of the map of this survey, marked "W 3," accompanies this, and a copy of his report is herewith attached.

There are three projects discussed by him for improving this harbor, which are as follows:

1. By constructing a breakwater in the lake 2,622 feet long, beginning at a point on the shore about 1,200 feet east from Minnesota Point, and extending out into the lake parallel to the general direction of Minnesota Point.

2. By cutting a canal through Minnesota Point, nearly opposite Rice's Point, building parallel piers into the lake, and dredging for an interior harbor.

3. By using the present entrance to the Bay of Superior, and dredge out a basin for an interior harbor as proposed in foregoing plan.

The estimated cost of plan No. 1.....	\$387, 253
The estimated cost of plan No. 2.....	270, 014
The estimated cost of plan No. 3.....	132, 241

For a full description of these plans and detailed estimates of cost I would refer to his attached report.

I would recommend the first plan, if commerce or the interests of commerce required it.

The second plan would result in serious injury to the entrance, at present being improved.

The third plan, if carried out, would amply accommodate all the commerce of Du Luth for some time to come.

This plan is dependent upon the further improvement of the entrance to Superior Bay, and would not be necessary until they were completed. These improvements are in progress, and their influence upon the harbor has as yet hardly been felt. As soon as the piers are extended a

little further out into the lake, manifest signs of improvement will be made, and many objections now offered to this plan will pass away.

I am, general, very respectfully, your obedient servant,

J. B. WHEELER,

Major of Engineers and Brevet Colonel U. S. A.

Maj. Gen. A. A. HUMPHREYS,

Chief of Engineers, Commanding Corps of Engineers,

Washington, D. C.

Report on harbor at Du Luth, Minnesota, by Captain J. W. Cuyler, United States Engineers.

UNITED STATES ENGINEER OFFICE,

Milwaukee, Wisconsin, October 5, 1869.

COLONEL: I have the honor to submit to you the following report, pursuant to your verbal instructions to that effect.

I have the honor, sir, to remain, very respectfully, your obedient servant,

JAS. W. CUYLER,

Captain of Engineers United States Army.

Bvt. Col. J. B. WHEELER,

Major of Engineers United States Army.

HARBOR OF DU LUTH, *Minnesota.*

Du Luth is situated at the extreme westerly end of Lake Superior, where the main shore-line runs north, 43° to 45° east, setting off from this, almost at right angles, extends in a general southeasterly direction six and seven-eighths miles, the spit termed Minnesota Point, varying in width from one hundred and sixty-two feet to one thousand and fifty feet.

This point, evidently formed by the meeting of the waters of Lake Superior and the interior waters of the river and bay of St. Louis, consists at its base, for one and one-third miles below Du Luth, of an aggregation of coarse shingle and gravel, the deposits of the littoral current passing along the rock formation of the main shore; the inner shore of the point is lined with a growth of sedgy swamp, from two hundred to five hundred feet in width, more or less submerged.

The present town site, known under the former name of Portland, though embracing the town site of the old Du Luth on Minnesota Point, is laid out parallel to the general lake frontage; the ground on which it is laid out rises boldly from the lake, rising after the ninety feet curve is reached very rapidly and abruptly into the chain of hills known as the Missaba Range, extending northeast and southwest up to the United States boundary line, and in height from six hundred to seven hundred and fifty feet a range composed of trap and greenstone rock frequently out-cropping, with but a thin layer of soil, and no thick growth of timber except toward the summits.

The location at Du Luth of the lake terminus of the Mississippi and Superior railroad, together with the location, as now being agitated, of the eastern terminus of the Northern Pacific railroad, thus tapping and bringing in the products of the wheat-growing sections of country embraced in the fertile valley of the Red River of the North, and the

extensive plateaux adjacent thereto, elevate this point to one of prospective commercial importance, and necessitate anticipatory measures of harbor improvement to meet the requirements of the future.

With this view, as Du Luth has on the lake no natural harbor, three plans of harbor improvement present themselves, viz:

Firstly, to make a harbor on the lake by the construction of a substantial breakwater outside, shown on tracing of my survey at this point made during the past summer.

Secondly, to cut through the Minnesota Point, making a canal into the head of the Bay of Superior, dredging out therein for an interior harbor.

Thirdly, making use of the present "entry" to and channel up the Bay of Superior, as far up as Conner's Point, to dredge out an interior harbor at the head of the bay similarly as in the second plan.

I append for each of these three plans estimates in detail, marked, respectively, Exhibits A, B, and C; Exhibit D, attached sketch, exhibits the second and third plans as I would propose and locate them, and on which I have based my estimates.

The rates in these estimates are, in general, lower than those now being paid by the United States at the improvement to the "entry;" they are, however, those given me by the railroad officials at Du Luth, and if operations of the magnitude of those estimated for be undertaken, I am of opinion that no higher figures need be attained. The breakwater plan is *not* impracticable. Abundance of the best stone is close at hand, with good timber easily available; the bottom is a hard, compact gravel and sand, almost an even plateau from twenty to twenty-nine feet water, affording excellent foundation for the cribs, without dredging or leveling off. One great difficulty in actual construction should, however, be here noted, viz: the entire lack of any sheltered place wherein to build the cribs before sinking them in the breakwater. By this lack the time of construction would be lengthened, and thereby the cost enhanced. The line for the breakwater that I would recommend runs parallel to the Minnesota Point shore, thereby following the least depth of water, outwards between its head, in twenty-nine feet of water, and the Minnesota Point shore, there would be twelve hundred and seventy feet; deducting five hundred feet, the distance from the shore-line out to the twelve feet curve, there would yet remain a clear harbor-way of seven hundred and seventy feet, with at no point less than twelve feet of water, and with an average of nigh twenty feet. The line proposed by the railroad company, shown in the tracing of survey, would reach twenty-eight feet of water at the end of nineteen hundred feet in the water, rapidly deepening to forty and fifty feet going further outwards. While this direction of the breakwater affords the advantages of increased harbor room behind it, and greater facility to vessels to weather the head and to get inside, an important point to gain, especially in making this an *outside* harbor, yet its cost would plainly much exceed that of the breakwater I have estimated for.

The cost of this breakwater-plan, following either line, is, however, so great that I do not regard the present or the immediate future needs of the place as demanding its construction.

The second plan involves extrinsic considerations.

Adopting it, the waters of the river and bay St. Louis would discharge themselves by an entirely different course from that at present followed. The question of the effect of such a diversion upon the portion of the Bay of Superior below Conner's Point and the present entry must be weighed. At present all the interior waters discharge by the entry,

pouring out a current at the rate of five miles per hour, on an average, much exceeding this rate in seasons of freshets, or with a long continuance of southwesterly winds, heaping up, as it were, the interior waters toward their point of discharge. The conditions of this entry are, however, such that the full force of this current, when properly confined, is essential to scour out, and keep clear, an effective and permanent entrance way. A complete diversion of the St. Louis waters, while it, probably, would not affect for some time to come the Bay of Superior, owing to its sheltered position, the depth of the present channel, and the nature of its bottom, yet would speedily cause a destruction of the entry; the Nemadji emptying into the bay almost abreast of the entry, through a species of sedgy delta, much of its water finds its way into the shallow bay of Allouez, the extension beyond the entry of the Bay of Superior, and the residue discharged into the Bay of Superior, having an inadequate scouring force, and bringing down with it much sediment of a clayey kind, would rapidly fill up the space between Minnesota and Wisconsin points, blocking up entirely in a few years the present entry.

These consequences, connected as they are with the legal question of diverting a navigable stream from its natural course, the St. Louis, belonging jointly to the two States of Wisconsin and Minnesota, whose respective interests are thus brought into antagonism by any change, might, however, be avoided, I think, by building in the canal across the point a guard-lock of ample size, with suitable arrangements at either end to admit water merely to pass vessels through. The site for such a canal, that I should select, would be opposite the extremity of Rice's Point. Minnesota Point does not offer here its least width or elevation, but a straight and direct course by which to discharge themselves, thereby retaining their full force of current, is thus afforded to the St. Louis waters passing into the Bay of Superior between Rice's and Conner's points; at the same time, the site is near enough to the town itself to meet the demands of its business, and make its interior harbor room available to its dockage. The cost, however, of maintaining and operating such a guard-lock as I above propose should be added to its first cost, perhaps under-estimated for, in my estimates for the lock of full data, in all considerations of its introduction into the second plan.

This second plan commends itself highly to me, *provided* two assumptions be sustained. Firstly, that the business of Du Luth—what is, and shortly will be—justifies the attendant cost. Secondly, that the United States improvement to the present entry will not be prosecuted with sufficient rapidity to meet the rapidly growing commercial wants of Du Luth.

Undoubtedly, if the town of Du Luth attracts to itself the business that it assumes to, and now promises to, the entry does not afford the facilities required; much remains to be done to it to cause it to fulfill these requirements, and that, too, speedily. The Bay of Superior itself, demands a considerable outlay of money, its channel though deep being tortuous, and at points narrow, requiring much dredging to widen and straighten it for effective use.

A review of the facts and conditions, as they stand at the present, scarcely maintains the two above referred to assumptions, on which rest the superiority of the second plan over the others.

The cost of this plan at first is large, the same ultimate object is, after all, but gained as in the third plan, viz., an interior harbor. Had the United States expended no money on the present improvement at the entry then the question would have assumed a different phase, and an important element of consideration have been eliminated from it; as it

is, the United States have already expended a large amount of money at this entry and made a commencement toward deriving success from its outlay. I am led, therefore, at the present, to prefer the third plan, pushing forward rapidly, in connection with it, the present entry improvement and the improvement to the channel of the Bay of Superior, up as far as Conner's Point.

Carrying outward at once this entry improvement to where it must eventually be carried, even at large cost, to make it in anywise effective as an entry, and so to satisfy the pressing demands of this situation on the lake for a safe, always accessible, harbor of refuge, apart from all considerations of prospective commerce or business, I judge that a commodious interior harbor can thus be made for Du Luth, adequate for its business wants for many years to come.

The question of the relative cost of the second and third plans in this connection need scarcely be considered; adding to the third plan the measures of improvement recommended with it, and on which depend its ultimate effectiveness, the figures of the estimate for it would, of course, be materially increased, even to a point beyond the cost of the second plan as estimated for.

EXHIBIT A.

Breakwater, 2,622 feet long; superstructure, 5 feet.

SECTION I.

Rip-rap construction—Extends from shore to 10-foot water; length, 40 feet; height, average, 12 feet; base, 48 feet; side slopes, $7\frac{1}{2}$ B to 1 P; solid contents, 853 cubic yards. Deduct $\frac{1}{4}$ excess of rock in large fragments over rock in bank. Absolute contents of section, 559 cubic yards.

Details of cost.

559 cubic yards stone, at \$2 per yard	\$1,118 00
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SECTION II.

Crib-work—Extends from 10 feet to 13 feet water; cribs, 32 feet long by 20 feet base; height, average, 17 feet; length of section, 32 feet; 1 crib.

Details of cost.

2,536 feet, lineal, 12-inch timber, at 17 cents per foot	\$431 12
2,536 feet, lineal, 12-inch timber framing, at 20 cents per foot	507 20
3,068 pounds iron drift bolts, $1\frac{1}{8}$ inch square, at $4\frac{1}{2}$ cents per pound	138 06
252 $\frac{1}{4}$ cubic yards stone, at \$2 per yard	505 00
13 cubic yards stone, at \$2 per yard, (for boxes)	26 00
32 cubic yards brush, at 60 cents per yard, (for boxes)	19 80
Total cost one crib	1,628 18
Cost per running foot	50 88
Total cost section II, 32 running feet	1,628 18

SECTION III.

Crib-work—Extends from 13 feet to 20 feet water; cribs, 50 feet long by 25 feet base; height, average, 21.50 feet; length of section, 100 feet; 2 cribs.

Details of cost.

6,140 lineal feet 12-inch timber, at 17 cents per foot	\$1,043 80
6,140 lineal feet 12-inch timber framing, at 20 cents per foot	1,228 00
8,901 pounds iron drift bolts, $1\frac{1}{8}$ inch square, at $4\frac{1}{2}$ cents per pound	400 54

652 cubic yards stone, at \$2 per cubic yard.....	\$1,304 00
24 cubic yards stone, at \$2 per cubic yard, (for boxes).....	48 00
47 cubic yards brush, at 60 cents per cubic yard, (for boxes).....	28 20
Total cost one crib.....	4,052 52
Cost per running foot.....	81 05
Total cost section III, 100 running feet.....	8,105 00

SECTION IV.

Crib-work—Extends from 20 feet to 24 feet water; cribs, 50 feet long by 30 feet base; height, average, 27 feet; length of section, 1,050 feet; 21 cribs.

Details of cost.

8,524 lineal feet 12-inch timber, at 17 cents per foot.....	\$1,449 08
8,524 lineal feet 12-inch timber framing, at 20 cents per foot.....	1,704 80
11,451 pounds iron drift bolts, 1½ inch square, at 4½ cents per pound.....	515 29
1,048 cubic yards stone, at \$2 per yard.....	2,096 00
36 cubic yards stone, at \$2 per yard, (for boxes).....	72 00
72 cubic yards brush, at 60 cents per yard, (for boxes).....	43 20
Total cost one crib.....	5,880 37
Cost per running foot.....	117 65
Total cost section IV, 1,050 running feet.....	123,532 50

SECTION V.

Crib-work—Extends from 24 feet to 27 feet water; cribs 50 feet long by 35 feet base; height, average, 30.50 feet; length of section, 550 feet; 11 cribs.

Details of cost.

10,260 lineal feet 12-inch timber, at 17 cents per foot.....	\$1,744 20
10,260 lineal feet 12-inch timber framing, at 20 cents per foot.....	2,052 00
15,536 pounds iron drift bolts, 1½ inch square, at 4½ cents per pound.....	699 12
1,328 cubic yards stone, at \$2 per yard.....	2,656 00
41 cubic yards stone, at \$2 per yard, (for boxes).....	82 00
86 cubic yards brush, at 60 cents per yard, (for boxes).....	51 60
Total cost one crib.....	7,284 92
Cost per running foot.....	145 80
Total cost section V, 550 running feet.....	79,640 00

SECTION VI.

Crib-work—Extends from 27 feet to 29 feet water; cribs, 50 feet long by 35 feet base; height, average, 33 feet; length of section, 850 feet; 17 cribs.

Details of cost.

11,613 lineal feet 12-inch timber, at 17 cents per foot.....	\$1,974 21
11,613 lineal feet 12-inch timber framing, at 20 cents per foot.....	2,322 60
17,749 pounds iron drift bolts, 1½ inch square, at 4½ cents per pound.....	798 70
1,520 cubic yards stone, at \$2 per yard.....	3,040 00
43 cubic yards stone, at \$2 per yard, (for boxes).....	86 00
83 cubic yards brush, at 60 cents per yard, (for boxes).....	52 80
Total cost one crib.....	8,274 31
Cost per running foot.....	165 58
Total cost section VI, 850 running feet.....	140,743 00

SECTION VII.

Plank work—Foot-walk extends length of breakwater; length, 2,622 feet; width, 3 feet; 3-inch plank.

Details of cost.

24,000 feet, board measure, 3 inch plank, at \$20 per M.....	\$480 00
500 pounds iron spike, 6-inch, at 5½ cents per pound.....	27 50
2,622 lineal feet plank-laying, at 18 cents per foot.....	471 96
Total cost foot-walk, section VII.....	979 46
Cost per running foot.....	37 41

SECTION VIII.

Crib-work—Ice-breakers outside of breakwater; triangular crib-work construction; base of triangle, 50 feet; sides of triangle, 35 feet; perpendicular of triangle, 25 feet; superstructure, 8 feet above water level; height, average, of crib-work, 32 feet.

Details of cost.

6,493 lineal feet 12-inch timber, at 18 cents per foot.....	\$1,168 74
6,493 lineal feet 12-inch timber framing, at 22 cents per foot.....	1,428 46
9,690 pounds iron drift bolts, 1½ inch square, at 4½ cents per pound.....	436 05
581 cubic yards stone, at \$2 per yard.....	1,162 00
Total cost one ice-breaker as above constructed	4,215 25
Total cost seven ice-breakers, six at end of breakwater, 200 feet spaces between; one near inner end of breakwater, in deep water, 26 feet water, shown in survey.....	29,506 75

NOTE.—Eighteen cents for timber, as only special lengths can be used from form of construction; twenty-two cents for framing, as being more difficult and more of it, more cutting and wastage necessitated.

RECAPITULATION.

Total cost section I.....	\$1,118 00
Total cost section II.....	1,628 18
Total cost section III.....	8,105 00
Total cost section IV.....	123,532 50
Total cost section V.....	79,640 00
Total cost section VI.....	140,743 00
Total cost section VII.....	979 46
Total cost section VIII.....	29,506 75
Total cost (Exhibit A) breakwater.....	387,252 89

SUMMARY OF DETAILS.

Total number lineal feet 12-inch timber in breakwater.....	549,552
Total number lineal feet 12-inch timber framing in breakwater.....	549,552
Total number pounds iron drift bolts, 1½ inch square.....	801,800
Total number cubic yards stone.....	70,738½
Total number cubic yards brush.....	4,080
Total number M (board measure) plank, 3-inch.....	24
Total number pounds iron spike, 6-inch.....	500
Total cost 549,552 lineal feet 12-inch timber.....	\$96,357 53
Total cost 549,552 lineal feet 12-inch timber framing.....	109,910 40
Total cost 801,800 iron bolts.....	36,081 00
Total cost 70,738½ cubic yards stone.....	141,476 50
Total cost 4,080 cubic yards brush.....	2,448 00
Total cost 24 M (board measure) plank.....	480 00
Total cost laying 2,622 lineal feet plank.....	471 96
Total cost 500 pounds iron spike.....	27 50
Total cost as above.....	387,252 89
Average cost per running foot, 2,622 running feet of breakwater.....	147 69

EXHIBIT B.

- I. Canal through Minnesota Point.
- II. Dredging interior harbor Bay of Superior.

SECTION I.

Dredge-work—Canal across Minnesota Point; length of dredging, 480 feet; width, 220 feet; average depth to dredge to make 12 feet water in canal, 24 feet.

Details.

93,886 cubic yards earth at 40 cents per yard.....	\$37,546 20
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SECTION II.

Close-piling work—Close-piling canal of section I; length each side, 480 feet; total close-piling, 960 feet; depth of water to drive piles in, 12 feet; minimum penetration of piles, 10 feet; length of piles, 30 feet.

Details of cost per one hundred running feet.

100 piles 30 feet long, at 14 cents per lineal foot.....	\$420 00
11 stay piles 26 feet long, at 14 cents per lineal foot.....	40 04
200 feet, lineal, timber, (back, 6 by 12 inches, and plate, 12 by 12 inches,) at 17 cents per foot	34 00
100 feet, lineal, timber, fender timbers, 12 by 12 inches, at 17 cents per foot.....	17 00
300 feet, lineal, timber, (ribband pieces, 8 by 12 inches, wabes, 12 by 12 inches,) at 17 cents per foot.....	51 00
154 feet, lineal, timber, tie timbers, 12 by 12 inches, at 17 cents per foot..	26 18
1,049 pounds iron drift bolts, 1½ inch square, at 4½ cents per pound.	47 24
564 pounds iron screw bolts, at 14 cents per pound.....	78 96
111 piles, driving same, at \$4 per pile.....	444 00
754 lineal feet timber, framing, at 14 cents per foot.....	766 56
111 cubic yards stone, at \$2 per yard.....	220 00
110 cubic yards brush, at 60 cents per yard.....	66 00
Total cost of 100 running feet.....	1,549 98
Cost per running foot.....	15 50
Cost of 960 running feet, total close piling.....	14,880 00

SECTION III.

Dredge-work—Extending canal of sections I and II into lake to 12 feet water; dredging for crib foundations of following section herein included; length of cut to dredge, to reach 12 feet curve in lake, 500 feet; width 240 feet; average depth to dredge, 6 feet.

Details.

26,666 cubic yards earth, at 37 cents per yard	\$9,866 42
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SECTION IV.

Crib-work—Crib-work piers extending canal, section I, into 12 feet water of lake, two piers; length of each pier, 500 feet; two piers, 1,000 feet; cribs, 32 feet long by 20 feet base; average height, 16 feet, superstructure, 7 feet.

Details of cost.

Same as exhibited in Exhibit A, section II.

Cost per running foot as deduced from Exhibit A, section II.....	\$48 92
Total cost 1,000 running feet, total crib-work	48,920 00

SECTION V.

Dredge-work—Extending canal, section I, into Bay of Superior; length of extension, 220 feet; width of extension, 210 feet; average depth to dredge to make 12 feet water, 10 feet.

Details.

16,926 cubic yards earth, at 37 cents per yard	\$6,029 52
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SECTION VI.

Close-piling work—Close-piling, section V; length, each side, 220 feet; total close-piling, 440 feet.

Details.

Same as exhibited in section II.

Cost per running foot as deduced from section II.....	\$15 50
Total cost 440 running feet, total close-piling	6,820 00

SECTION VII.

Dredge-work—Extending sections V and VI into the Bay of Superior; length of channel to dredge, 900 feet; width, 200 feet; average depth to dredge to make 12 feet water in channel, 6 feet.

Details.

40,000 cubic yards earth, at 37 cents per yard	\$14,800 00
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SECTION VIII.

Dredge-work—Extending section VII in Bay of Superior; channel dredged, an elliptical curve connecting end of section VII with end of present natural channel in Bay of Superior at its head, as shown in tracing of survey, running up parallel to Minnesota Point shore to opposite present "Du Luth dock."

Width of channel-way in curve, 500 feet; average depth to dredge to make 12 feet water in channel, 350 feet.

Details.

155,555 cubic yards earth, at 37 cents per yard \$57,555 55

SECTION IX.

Dredge-work—Extending section VIII; channel to be dredged; present natural channel described in section VIII; distance of this channel from Minnesota Point shore, 1,800 feet to 1,400 feet; length of channel to be dredged, 6,100 feet; width of channel to be dredged, 200 feet; average depth to dredge to make 12 feet water in channel, 250 feet.

Details.

112,963 cubic yards earth, at 37 cents per yard \$41,796 31

SECTION X.

Guard-lock construction—Construction of timber in canal, section I.

General description—Length of lock between recesses, 210 feet; width between sides, 50 feet; depth of water, 12 feet; height of tops of sides above water-line, 650 feet; planking, 2½ inches; sills, 12 inches by 12 inches by 14 inches; diagonal braces, 12 inches by 12 inches; horizontal pieces, 12 inches by 10 inches; uprights, 12 inches by 12 inches; pair of double gates at either end.

Details.

General estimate of above construction \$31,800 00

NOTE.—The above estimate is a general one. The lack of detailed drawings, essential to a construction of this kind to estimate on, precludes a *closer* estimate. The general plan is taken from that of the timber locks on the Chemung Canal, New York State, modified and enlarged to suit the present case.

RECAPITULATION.

Total cost section I.....	\$37,546 20
Total cost section II.....	14,880 00
Total cost section III.....	9,866 42
Total cost section IV.....	48,920 00
Total cost section V.....	6,029 52
Total cost section VI.....	6,820 00
Total cost section VII.....	14,800 00
Total cost section VIII.....	57,555 35
Total cost section IX.....	41,796 31
Total cost section X.....	31,800 00
Total cost Exhibit B.....	<u>270,013 80</u>

SUMMARY OF DETAILS.

Total number cubic yards earth to dredge.....	445,996
Total number lineal feet close-piling.....	1,400
Total number lineal feet crib-work piers.....	<u>1,000</u>
Total cost 445,996 cubic yards earth.....	\$167,593 80
Total cost 1,400 lineal feet close-piling.....	21,700 00
Total cost 1,000 lineal feet crib-work piers.....	48,920 00
Total cost guard-lock construction.....	<u>31,800 00</u>
Total cost as per recapitulation.....	<u>270,013 80</u>

EXHIBIT C.

1. Dredging interior harbor Bay of Superior, across from Conner's Point, and up bay.

SECTION I.

Dredge-work—Dredging a channel from a point in the present channel of Bay of Superior, 24 feet water below "Howard's dock," near extremity of "Conner's Point," north-westerly across "flats," Bay of Superior; length of channel to dredge, 3,200 feet; width of channel to dredge, 200 feet; average depth to dredge to make 12 feet water in channel, 6 feet.

Details.

142,222 cubic yards earth, at 37 cents per yard \$52,622 14

SECTION II.

Dredge-work—Extending section I, across Bay of Superior, to connect with lower end of present natural channel up bay, same as described in sections VIII and IX, Exhibit B; form of channel, arc of a circle; length, equivalent to 2,300 feet; width, 200 feet; average depth to dredge to make 12 feet water in channel, 6 feet.

Details.

102,222 cubic yards earth, at 37 cents per yard \$37,822 74

SECTION III.

Dredge-work—Dredging same channel as that of section IX, Exhibit B; this channel common to exhibits B and C; same details as exhibited in section IX, Exhibit B.

Details.

112,963 cubic yards earth, at 37 cents per yard \$41,796 31

RECAPITULATION.

Total cost section I	\$52,622 14
Total cost section II	37,822 74
Total cost section III	41,796 31
Total cost Exhibit C	<u>132,241 19</u>

Total number cubic yards earth to dredge 357,437, at 37 cents per yard, as above \$132,241 19

Comparative cost of Exhibits A, B, and C.

Cost of Exhibit A—breakwater plan	\$387,252 89
Cost of Exhibit B—interior harbor canal across Minnesota Point	<u>270,013 80</u>
Excess of cost of Exhibit A over Exhibit B	117,239 09
Cost of Exhibit A—breakwater plan	\$387,252 89
Cost of Exhibit C—interior harbor plan	<u>132,241 19</u>
Excess of cost Exhibit A over Exhibit B	255,011 70
Cost of Exhibit B—interior harbor and canal across Minnesota Point plan	\$270,013 80
Cost of Exhibit C—interior harbor plan	<u>132,241 19</u>
Excess of cost Exhibit B over Exhibit C	<u>137,772 61</u>

EXHIBIT D.—Sketch showing plans 1, 2, and 3, as proposed and estimated for.

LETTER
OF
THE SECRETARY OF WAR
COMMUNICATING,

In compliance with a resolution of the Senate of the 14th instant, the report of the commander of the department of Alaska upon the late bombardment of the Indian village at Wrangel, in that Territory.

MARCH 21, 1870.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
March 19, 1870.

The Secretary of War has the honor to submit to the Senate of the United States, in obedience to the resolution of March 14, 1870, the accompanying report of the commander of the department of Alaska upon the late bombardment of the Indian village at Wrangel, in the Territory of Alaska.

WM. W. BELKNAP,
Secretary of War.

HEADQUARTERS DEPARTMENT OF ALASKA,
Steamer Newbern, January 18, 1870.

GENERAL: Since my last communication with the Headquarters Military Division of the Pacific, the following difficulties with the Indians have occurred, which I think should be specially reported. On the morning of the 16th ultimo Policeman J. C. Parker, of the village of Sitka, shot an Indian under circumstances which I thought unjustifiable, and ordered his immediate arrest. In order to get at all the facts of the case, I ordered a board of officers to assemble and investigate it thoroughly. The board, after taking all the testimony bearing on the case, pronounced the shooting unjustifiable, and I ordered Parker to be kept in confinement until such time as a competent court might demand him for trial, or his release be ordered by proper authority. This is the second Indian Parker has killed within the past year. The killing in both cases was pronounced unjustifiable by the board of officers who investigated them.

The next affair I desire to mention occurred at Fort Wrangel on Christmas day. The official reports of Lieutenants Borrowe and Loucks, herewith transmitted, describe the commencement of this disturbance so minutely, and the course taken by them to put it down, that I deem it unnecessary to make any lengthy report upon the subject. While at

2 BOMBARDMENT OF INDIAN VILLAGE AT WRANGEL, ALASKA.

Fort Wrangel I called the principal chiefs of the tribe together and held a talk with them. Their version of the affair agreed in all essential points with the reports of the officers. They express themselves satisfied with the settlement of it, and say they will continue peaceable. After a very thorough investigation of the whole affair, I am satisfied Lieutenant Borrowe acted with promptness and good judgment; a less decided course would probably not have settled it with as little bloodshed as the one pursued. I anticipate no further trouble with this tribe for some time to come.

In conclusion, I would state that in my opinion the chief cause of this affair was the sale of liquor to some of the Indians by two white men professing to be miners living at the post. These men procured the liquor under pretext of its being for their own use. The Indian Siwan, who bit off the laundress's finger, and who, with his brother, resisted the guards sent to arrest him, was drunk; their women were also intoxicated. The Indian Scutd-doo, who shot Mr. Smith, was more or less under the influence of liquor. The white men have been arrested, and are now in confinement.

I am, general, very respectfully, your obedient servant,

JEFF. C. DAVIS,

Brevet Major General Commanding.

Brevet Maj. Gen. WM. D. WHIPPLE,

Ass't Adj. Gen'l, Headquarters Mil. Div. of the Pacific.

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,

San Francisco, February 8, 1870.

Respectfully forwarded to the Adjutant General.

GEO. H. THOMAS,

Major General U. S. A. Commanding.

Official:

E. D. TOWNSEND,

Adjutant General.

HEADQUARTERS FORT WRANGEL,

Wrangel Island, A. T., December 30, 1869.

CAPTAIN: I have the honor to submit the following report for the information of the major general commanding the department:

About ten minutes after 11 o'clock on the night of December 25, 1869, it was reported to me that one of the laundresses, Mrs. Jacob Muller, had been badly injured by a Stickine Indian, named Lowan, he having, while in her house, just outside of the stockade, and in the act of shaking hands with her, bitten off the third finger of her right hand between the first and second joints, her husband, quartermaster sergeant of this battery, and a citizen, named Campbell, being present at the time. Learning what had taken place, and that the Indian had escaped to the ranch, notwithstanding the efforts of the sergeant to arrest him, I immediately sent Lieutenant Loucks with a detachment of twenty men to take him, with instructions to bring him in, if possible, without bloodshed, and only to use their arms in case of resistance or in self-defense. Lieutenant Loucks immediately proceeded to execute the order given him, and returned, bringing with him the dead body of the Indian Lowan and his brother Estone, the latter being badly wounded in the arm, the cause of violent measures having been resorted to. The report of Lieutenant Loucks, herewith appended and marked A, will fully explain.

Apprehending trouble, I had turned out the entire force under my command, and as soon as firing was heard at the ranch I immediately sent a detachment of ten men as far as the store of the post trader, some three hundred yards from the garrison, with instructions to act in concert with Lieutenant Loucks's party, should they require assistance. A picket guard was stationed around the camp, and everything placed in a condition of defense.

About 10 o'clock a. m. of the morning of December 26, 1869, the sergeant of the guard reported several shots in the direction of the store, and in a few minutes word was brought to me that Mr. Leon Smith, partner of the post trader, W. R. Lear, had been shot near the door of the store. Mr. Smith was soon after brought in to the garrison and taken to the hospital, where his wounds were examined by the surgeon, who pronounced them of a most serious character, fourteen shots having penetrated the body on the left side, just below the heart, and three in the left wrist. Nothing further occurred during the night, and at daylight in the morning I sent Lieutenant Loucks again to the ranch with a detachment under a flag of truce, with instructions to see the chief of the tribe, Shakes, and demand of him the murderer, the Indians to turn the man over to him there, or failing in that, I gave them until 12 o'clock that day to bring him in, notifying them that if at that hour the man Scutd-dor, whom I knew to be in the ranch, was not in my custody, I should open fire upon them from the garrison. I also directed Lieutenant Loucks to inform the principal chiefs of the tribe, Shakes, Torryat, Shonta, Hank, and Quamnanasty, that I wished to see and talk with them at the post as soon as practicable. This message I had sent to each of the chiefs by an Indian woman before Lieutenant Loucks left the post, and I am confident that it was delivered. For the result of Lieutenant Loucks's interview with Shakes and Torryat, I would respectfully call your attention to his report. On the return of Lieutenant Loucks to the post, and reporting to me the refusal of the chiefs to come to the garrison, their indisposition to deliver up the murderer, and the hostile disposition manifested by those present, all of whom were armed, I consulted with the officers present as to the propriety of carrying out my threat of firing on the village, and they were unanimous in the opinion that nothing but the most decided measures would insure the safety of the post. At 12 o'clock no signs were made of any disposition on the part of the Indians to comply with my orders; but their intentions to fight were made evident by the numerous persons engaged in carrying their goods to what they considered places of safety. I waited, however, without avail until nearly 2 o'clock, hoping that they might change their determination; and at 2 o'clock I opened with solid shot on the house in which I knew the murderer, Scutdor, resided; several shots struck the house, but the Indians maintained their position and returned the fire from the ranch, several of their shots striking in close proximity to the men. Later in the day fire was opened on the gun detachments from the hills in rear of and commanding the post, but fortunately without effect. This was replied to from the upper windows of the hospital, and, in connection with a few rounds of canister in that direction, soon drove them away. Firing was kept up on their part all of the afternoon, and a slow fire from the 6-pounder gun on the village was maintained until dark. The next morning, just at day-break, they opened on the garrison from the ranch with musketry, which was immediately replied to, and seeing that they were determined not only to resist, but had become the assailants, I resolved to shell them, but having only solid shot for the 6-pounder, and the distance being too great

for canister, I still continued the fire from that gun with shot and from the mountain howitzer with shell. The practice was excellent, considering that I have no breech sights for any of the guns at the post— notwithstanding that three requisitions had been made for the same— and after four shells had been fired, two bursting immediately in front of the houses, and two solid shots just through the house of the principal chief, Shakes, a flag of truce was seen approaching the post, and firing on my part ceased. The flag of truce bore a message from Shakes that he and the other chiefs wished to talk with me, and I replied that I would talk with them in the garrison; but that the murderer must be brought in, for without him “talk was useless.”

Soon after the chiefs were seen coming over, and a party behind them with the murderer, who was easily recognized by his dress. Just as they were leaving the ranch a scuffle, evidently prearranged, took place, and the prisoner escaped and was seen making for the bush, no attempt to rearrest him being made. The chiefs on their arrival at the garrison were received by myself and the other officers, and a conference ensued. They were then informed that until “the murderer was brought in no terms would be extended to them; that on that basis alone I would treat.” Finding me determined to have the man at all hazards, they then asked what time would be given, and stated that as a proof of their good intentions they would surrender to me the mother of the murderer. I informed them that they must, as they proposed, bring me the hostage at once, and in addition, the sub-chief of the tribe to which the murderer belonged, the head chief being absent up the Stickine River; and that, if the murderer himself was not in my possession by six o'clock the following evening, I would open on them and destroy the entire ranch, together with its occupants.

This closed the conference, and during the afternoon of the same day the woman and the sub-chief were brought in and placed in confinement. That evening, about nine o'clock, the murderer Scudor was brought in by the chiefs and surrendered to me. The next morning, December 27, a court was organized by general post order No. 76, for the trial of the murderer, who was identified by the five chiefs of the tribe and by his own confession. For the proceedings of the trial I have the honor to call your attention to the accompanying report appended and marked B. In pursuance of the sentence of the court, the man was duly executed by hanging, at twelve o'clock and thirty minutes, on the 29th of December, 1869, in full view of the entire ranch, the five chiefs and the Indian doctor being in immediate attendance at the gallows. The execution passed off without accident, and the body remained hanging until sun-down, when, by my permission, it was taken away by his friends.

Too much praise cannot be awarded to the officers and men of this command for their coolness and general good behavior, particularly when it is remembered that twenty-two of the men were new recruits, many of whom had never seen any service. I would particularly call the attention of the major general commanding the department to First Lieutenant M. R. Loucks, Second Artillery, whose promptness and decision in carrying out the instructions given him entitle him to the greatest praise, particularly in his interview with the chiefs on his second visit to the ranch.

I would also call your attention to the report of Acting Assistant Surgeon H. M. Rick, United States Army, marked C, of the casualties which occurred during the trouble.

In conclusion, I can only say that, though regretting that extreme

measures had to be resorted to, yet under the circumstances I consider nothing else would have accomplished the object in view—that of bringing Mr. Smith's murderer to justice, and reducing the Indians to a state of subjection to the United States authority. Everything is now quiet, and I have no reason to anticipate any future trouble; yet my vigilance is not remitted, nor will it be, as I have no confidence in any promises made by Indians. They have shown their hostile feelings in this instance, and it is only through fear and the knowledge that any crime committed by them will meet with prompt punishment, that will keep them in proper subjection.

I would also request that the thirty-pound Parrot gun asked for in my last requisition may be sent to me at as early a date as practicable, for, had that gun been in position, I think two percussion shells would have brought the Indians to terms.

Mr. Smith died at eleven o'clock of the night of the 26th of December, 1869. His sufferings were terrible, and death must have been a relief.

Trusting that my action may meet with the approval of the major general commanding the department,

I am, captain, very respectfully, your obedient servant,

W. BORROWE,

First Lieutenant Second Artillery.

Brevet Captain S. B. McINTYRE,

A. A. A. General, Department Alaska, Sitka, Alaska.

A true copy.

SAM'L B. McINTIRE,

First Lieut. Second Artillery, and Bvt. Capt. U. S. A., A. A. A. G.

A.

FORT WRANGEL, WRANGEL ISLAND, A. T.,

December 26, 1869.

SIR: About 12 o'clock midnight, on the night of the 25th December, 1869, it was reported through the garrison that the wife of Quartermaster Sergeant Muller, battery I, Second Artillery, had had her finger bitten off by an Indian. I proceeded to her quarters to verify the report, and there saw that the third finger of her right hand had been bitten or torn off by an Indian named Si-wau, as all present stated. I returned for my saber and belt, reported to the commanding officer, then set off for the Indian village with a detachment of twenty men to arrest the Indian Si-wau. Having arrived in that portion of the village nearest to the garrison, I intended to enter Tow-ye-at's house, expecting to find there the Indian I wanted.

Before entering Tow-ye-at's house, I met an Indian in a red cap and shirt, named Scudt-doo,* who, upon being asked to do so, told me that Si-wau had left Tow-ye-at's house and gone to another near by, which he pointed out to me. I entered the house with twelve men, leaving the remainder to guard the entrance outside. Si-wau was sitting down near the fire opposite the entrance, with nothing on but pants. The position of the detachment in the house formed in single rank along the nearest side of the quadrangular space, with instructions to fire whenever I

* This is the Indian who subsequently shot Mr. Smith.

should give the signal. With Si-wau there were Esteen, his brother, Si-wau's klootchman, (wife,) and old Klootchman, (woman,) who was sitting up, and perhaps a few others sleeping in different parts of the house. I tapped Si-wau on the shoulder, saying that I wanted him to come with me. He arose from his sitting posture and said he would put on his vest; after that he wished to get his coat. Feeling convinced that this was merely to gain time, that he wished to trifle with me, I began to be more urgent. Si-wau appeared less and less inclined to come away with me, and in this, the latter part of the parley, he became impudent and menacing in raising his hands as if to strike me. I admonished him against such actions, and tried my utmost to avoid extreme measures in arresting him. About this time, Esteen, probably apprehending danger to his brother Si-wau, rushed forward in front of the detachment, extending his arms theatrically and exclaiming, as I supposed under the circumstances, "Shoot; kill me; I am not afraid." Si-wau seeing this, also rushed upon the detachment, endeavoring to snatch a musket away from one of the men on the right of the detachment. Still wishing to avoid loss of life if possible, I tried to give him two or three saber cuts over the head to stun without killing him.

In doing this I had given the preconcerted signal (by raising my hand) to fire. I should judge about six or eight shots were fired during the melee, and only ceasing by the Indian Si-wau falling at the feet of the detachment dead. Esteen and the others running to their holes, everything became quiet. I then directed the detachment not to renew the firing until further orders. I had Esteen pulled out, and discovered he was bleeding profusely from a wound in his right arm near the shoulder. Two handkerchiefs were tied around his arm above the wound to check the bleeding. My first thought was to arrest him also, for interference, but afterward considering that he was intoxicated, and that his interference was to protect his brother Si-wau, who, in my opinion, was in the same condition of intoxication, I concluded that he had been sufficiently punished, and directed that he be carried over to the hospital for treatment, and that the dead Indian should be carried over to the guard-house.

While preparing to carry over the two Indians, a tumult of challenging by the guard outside the house, and Indians shouting to their friends, began. Leaving First Sergeant Dean to superintend preparations for the transportation of the Indians, I went outside and found there, near the door, the sub-chief, Tow-ye-at, who, I suppose, did the shouting, and was the cause of the challenging. At that time I could not see whether Tow-ye-at was armed or not, although the men said he had a knife, and to beware of him. I told him (Tow-ye-at) that I had finished my business, and that I was about to return with the men. I told him that if he wished to say anything to the soldier Ty-ee, he could do so in the morning. With that I gently led him toward the house and advised him to go to bed. That was the last I saw of Tow-ye-at that night.

The two Indians were accordingly brought over and the result reported to the commanding officer. I dismissed the detachment, and supposing no further disturbance would occur, was sitting in post surgeon's quarters, when, about an hour or thereabouts after my return, a shot was heard from the direction of the store of the post trader. Taking with me Private Magee I ran down there, and while on the way Private Magee drew my attention to an object lying on the ground near the plank walk running between the store and the garrison. Upon examination it proved to be Mr. Leon Smith, the partner of William King

Lear, the post trader. Mr. Smith was lying on his breast upon a low stump alongside of the plank walk, with arms extended and a revolving pistol fallen from the grasp of the right hand. I first supposed him dead, but by placing him in a more comfortable position and speaking to him, he groaned merely. I then sent to the garrison for a stretcher and men. At about this time Gleason and Henderson came up.

In order to preserve the body from attempted mutilation, the three present posted themselves near by to look out for Indians in ambush. After a few moments I went up in front of the store, and told those inside to bring out a blanket with which to carry Mr. Smith to the hospital. This done, I posted three men, who had been previously sent to defend the store, behind obstacles in front of it. After having remained posted with the pickets a short time in order to understand the condition of things around the store, and to observe any movements in the village, I returned to the garrison to inquire into the circumstances of the shooting of Mr. Smith, and to receive orders in the case. Directly after reveille, according to instructions, I proceeded with a detachment of twenty men under a flag of truce to the Indian village, to demand that the chiefs should come over to the garrison to settle the difficulty by giving up the murderer of Mr. Smith, at or before 12 o'clock m. that day; or, failing in this, that the commanding officer would open fire upon the Indian village at the expiration of the time allowed in which the surrender of the murderer was to have been made.

When within about a hundred yards of the village, my interpreter pointed out an Indian in a red coat as the one that the Indian chiefs were demanded to surrender. My instructions, and especially the flag of truce at the head of the detachment, as well as the lack of positive proof of identity, precluded any exercise of force to make any arrest this time, or to bring him down with a volley. I there met Tow-ye-at in his war paint and fighting costume, and communicated to him the demands of the commanding officer. Tow-ye-at refused both the interview and the surrender of the murderer. He stated twice that if fire was opened upon the village he would die in his house. I explained to them all that the commanding officer was not angry with all of them, only with the murderer of Mr. Smith, and that if the murderer was surrendered, friendship and good feeling would return; and still earnestly wishing and endeavoring to avoid the necessity of opening fire, I proposed even that the commanding officer might meet the chiefs half way between the garrison and the village, all parties to the interview without an armed escort. Tow-ye-at refused the demands and the modifications which I did assume to make in order to discover the least desire on their part to avoid trouble. Tow-ye-at was stiff. The members of his tribe were continually assembling, armed with Hudson Bay muskets, iron spears, pistols, &c., and more than half surrounding me at different times during the interview, in their eagerness, and, judging from the aspect of affairs generally, evidently determined to have revenge for the killing of one and wounding of another Indian the night before. I insisted and repeated to Tow-ye-at that by having the interview everything could be satisfactorily arranged; but all to no purpose. After a talk of an hour or so with Tow-ye-at and his friends, including also Mo-naw-is-ty, and many of his friends who were within hearing, Shakes at the head of his own tribe came over and took part in the interview. His manner as he approached was quite self-important. His friends, like Tow-ye-at, were, with few exceptions, armed with flint lock muskets, with thumb and finger ready to cock their pieces and open fire in grand style. With Shakes's friends, added to those already on the grounds, about one-half

8 BOMBARDMENT OF INDIAN VILLAGE AT WRANGEL, ALASKA.

of the bucks of the Stakeen tribe were assembled, I then informed Shakes of the demands of the commanding officer, but with no more success than with Tow-ye-at, with the addition, however, that if the commanding officer wished to see him, he (the commanding officer) could come over to the village to do so.

I told them all again that their village would be destroyed like the Kaik village last winter, and that wherever American steamers found them the same thing would be done again. I also made inquiries in reference to Corporal Northrop, Battery I, Second Artillery, who, it was supposed, had been in the village the night previous, and not been seen since that night. All said that he had gone; some said over to the garrison in a canoe, and others said he was drunk in the bushes.

I explained to them until I was tired of it, that the commanding officer only wished a friendly interview, and that it was but one Indian he wanted, the murderer of Mr. Smith.

Shakes indicated that he had no more to say, and believing myself that the whole matter had been fully explained to them all, nothing remained but to return to make my report of the result.

The Indians, so far from acceding to the demands in the beginning of the interview, became more and more stubborn as their numbers increased, and instead of facilitating a peaceful settlement of the difficulties, it seemed to me more probable they might have been increased by an accident even.

I consider that under the circumstances everything possible was done to effect a peaceful settlement, and nothing remained but to execute the threat attached or included in the demand.

Respectfully submitted.

M. R. LOUCKS,

First Lieut. Second Artillery, Officer of the Day.

First Lieutenant W. BORROWE,

Second Artillery, Commanding.

A true copy.

SAM'L B. MCINTIRE,

First Lieut. Second Artillery and Bvt. Capt. U. S. A., A. A. A. G.

B.

FORT WRANGEL, WRANGEL ISLAND, ALASKA,

December 28, 1869.

Proceedings of a trial of a Stakeen Indian, named Scutd-doo, at Fort Wrangel, Wrangel Island, Alaska, in accordance with the following order, viz :

HEADQUARTERS FORT WRANGEL, WRANGEL ISLAND, A. T.,

December 27, 1869.

[General Orders No. 76.]

Prompt and decided action being absolutely necessary, the following-named officers and citizens will assemble at this post to-morrow, the 28th instant, at 12 o'clock m., for the trial of an Indian, named Scutd-doo, for the willful murder on the morning of December 26, 1869, of Leon Smith, a citizen of the United States, at Wrangel Island, Alaska.

Detail: First Lieutenant Wm. Borrowe, Second artillery; First Lieutenant M. R. Loucks, Second artillery; Acting Assistant Surgeon H. M. Kirke U. S. A.; William K. Lear, post trader. First Lieutenant M. R. Loucks will act as recorder.

WM. BORROWE,

First Lieutenant Second Artillery, Commanding.

FORT WRANGEL, WRANGEL ISLAND,
December 28, 1869—12 o'clock m.

Present: All the officers and citizens named in the above order; also the following named Stakeen chiefs:

1. Shakes, Kah-ous-tay Hah Kotsk. 2. Tou-ye-at Hoots. 3. Shus-tah-ack Koun Kay. 4. Qu-naw-is-tay Kosh-Keh. 5. Klah-Keh.

Present: Scutd-doo, Wish-tah, the prisoner.

First Lieutenant Wm. Borrowe, Second Artillery, stated that the prisoner, on the night of the 27th December, 1869, confessed himself to be the Indian who murdered Mr. Leon Smith.

Each one of the above-mentioned chiefs identified the prisoner as the murderer of Mr. Leon Smith, the partner of the post trader at Fort Wrangel, Alaska Territory. Shakes, as well as all the other chiefs, upon being asked what punishment should be inflicted upon the prisoner for his crime, say they agree to whatever punishment that may be necessary. It is then announced that it is the will of the officers and citizens present during the trial that the prisoner, the Indian Scutd-doo, at mid-day December 29, 1869, shall be hanged by the neck until dead, in presence of the troops, citizens, and the five Stakeen chiefs, and that he should remain so hanging until nightfall, when his friends could remove the body. To which all the chiefs assented.

The prisoner, upon hearing this, replied, very well; that he had killed a tyhee, and not a common man; that he would see Mr. Smith in the other world, and, as it were, explain to him how it all happened; that he did not intend to kill Mr. Leon Smith, particularly; had it been any one else it would have been all the same.

WM. BORROWE,
First Lieutenant Second Artillery, President.
M. R. LOUCKS,
First Lieutenant Second Artillery, Recorder.
H. M. KIRKE,
Acting Assistant Surgeon U. S. A., Member of Court.

The prisoner was then returned to the guard for confinement, till the hour of his execution, whereupon the trial closed.

WM. BORROWE,
First Lieutenant Second Artillery, President.
M. R. LOUCKS,
First Lieutenant Second Artillery, Recorder.
H. M. KIRKE,
Acting Assistant Surgeon U. S. A., Member of Court.

HEADQUARTERS FORT WRANGEL,
WRANGEL ISLAND, ALASKA TERRITORY,
December 28, 1869.

The foregoing proceedings are approved, and the sentence of the court will be carried into effect; the prisoner, Scutd-doo, will be executed at 12 o'clock m. of the 29th of December, 1869.

WM. BORROWE,
First Lieutenant Second Artillery, Commanding.

A true copy.

SAML. B. MCINTIRE,
First Lieut. Second Artillery, and Bvt. Capt. U. S. A., A. A. A. G.
S. Ex. Doc. 67—2

BOMBARDMENT OF INDIAN VILLAGE AT WRANGEL, ALASKA.

C.

POST HOSPITAL, FORT WRANGEL,
WRANGEL ISLAND, ALASKA TERRITORY,
December 29, 1869.

SIR : I have the honor to report as the result of the late Indian trouble:

One (1) white man, Mr. Leon Smith, killed.
One (1) Indian killed.
One (1) white woman, company laundress, finger bitten off.
One (1) Indian severely wounded, by gun-shot fracture of the right humerus.
One (1) Indian hung.

I am, sir, very respectfully, your obedient servant,

H. M. KIRKE,
Acting Assistant Surgeon United States Army,
In charge of Post Hospital.

First Lieutenant WM. BORROWE,
Second United States Artillery, Commanding Post.

A true copy.

SAML. B. MCINTIRE,
First Lieutenant Second Artillery, and Brevet Captain U. S. A.,
Acting Assistant Adjutant General.

LETTER
OF
THE SECRETARY OF THE INTERIOR
COMMUNICATING,

In compliance with a resolution of the Senate of the 14th instant, so much of the report of Vincent Colyer, special Indian commissioner, as relates to the Indian village of Wrangel, Alaska, showing the condition of that village previous to its recent bombardment by United States troops.

MARCH 22, 1870.—Referred to the Committee on Military Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 22, 1870.

SIR: In compliance with a resolution of the Senate, of the 14th instant, I have the honor to transmit herewith "so much of the report of Vincent Colyer, special Indian commissioner, as relates to the Indian village of Wrangel, Alaska, including the accompanying illustrations, now in the hands of the government printer, showing the condition of that village previous to its recent bombardment by the United States troops."

Very respectfully, your obedient servant,

W. T. OTTO,
Acting Secretary.

Hon. SCHUYLER COLFAX,
President of the Senate.

WASHINGTON, D. C., March 16, 1870.

SIR: In response to the resolution of the Senate of the United States, calling for "so much of my report on the Indian tribes of Alaska Territory as relates to the Indian village of Wrangel, including the accompanying illustrations, now in the hands of the government printer, showing the condition of that village previous to its recent bombardment by the United States troops," I have the honor to submit the following report.

Sincerely, your obedient servant,

VINCENT COLYER,
Secretary Board of Indian Commissioners.

Hon. J. D. Cox,
Secretary of the Interior.

WRANGEL.

The Indian village of Wrangel is in latitude $56^{\circ} 27' 20''$, and $132^{\circ} 13' 15''$ west, or about one hundred and thirty miles north of the boundary line of British Columbia. It is located on a tongue of land and cove in the northwest shore of Wrangel Island. On the opposite side of the cove or other horn of the Crescent, the United States post is established about eight hundred yards distant, with its guns commanding the village.* There are thirty-two houses in the village, and when all are at home there are five hundred and eight inhabitants. Of these, one hundred and fifty-nine are men, and three hundred and forty-nine are women and children. (See Appendix A.) Of the men, about one-half may be capable of bearing arms, (as with us.) A number of the more athletic are usually absent with the principal chief up the Stikine River, trading with the natives of the interior. Their weapons of defense are a few old flint-lock muskets—mostly of Russian make—some pikes, and knives, as they live by fishing, and the peaceful interchange of smoked salmon and ulicum oil, for furs, &c., with the Indians of the interior. (See Appendix B and F.)

Sketch No. 1 on the opposite page, shows the portion of the village recently bombarded, which is located on the bay nearest the United States post, and sketch No. 2 is a rapidly engraved sketch of the government post on which the guns are located. The right of Sketch No. 2 joins on to the left of Sketch No. 1, and as seen thus shows the narrow cove across which the shelling of the village took place. The small log-house and bowling alley to the right on Sketch No. 2 is Leon Smith's, the post-trader's store.

To the right of the portion of the Indian village, as seen in Sketch No. 1 and out of the picture, is the residence of the widow of Skillat, the old chief of the Stikine tribe at Wrangel. Sketch No. 3, with a view of the interior, Sketch No. 4. Further on is a picture of Shek's house, through which a couple of six-pound solid shot were thrown—Sketch No. 5.

INDIAN HOUSES AT WRANGEL.

The houses are well constructed habitations, built of plank fastened on heavy timbers, well morticed together. They are large, being about forty by fifty feet square, one story high, and subdivided within into smaller apartments. The interior apartments were, doubtless, copied by the Indians from ships' cabins, as these were the kind of habitations mostly seen by the natives on board the ships so frequently visiting their coast; and this illustrates quite remarkably the ability of these Indians to improve, and the quickness and skill at imitation.

These cabins, or private sleeping-rooms of one family, are seen in Sketch No. 4, built on raised platforms. They are as neatly finished as most whaling ships' cabins, and have bunks, or places for beds, built on the inside around the sides. They vary in size, being usually about ten by twenty feet, with ceilings seven feet high.

Some of the young men are quite skillful mechanics, handling carpenters' tools with facility, and if you will closely examine the sketch you will see that there is a floor and raised platform of boards, neatly fastened together, below the private cabins or rooms spoken of, so that the amount of carpenter work about one of these houses is considerable.

* The post is garrisoned by Company I, Second United States Artillery, First Lieutenant W. Borrowes, commanding.



NO. 1.—A PORTION OF THE INDIAN VILLAGE AT WRANGEL, ALASKA—800 YARDS FROM THE POST ON OPPOSITE SIDE OF THE COVE—RECENTLY BOMBARDED BY THE COMMANDER OF THE POST, SKETCH NO. 2.



Leon Smith's store and bowling alley.

Commandant's residence. Guns. Hospital.

No. 2.—THE UNITED STATES POST AT WRANGEL, ALASKA.

They have a large opening in the roof, through which the smoke of their fire passes, as seen in No. 4. Usually, this opening in the roof is covered with loose boards, which are placed on either side of the roof, according as the wind may blow, always with an opening left, through which the smoke passes out. Sometimes they build a large wooden chimney, like a cupola, over this opening, but more commonly it is only covered with boards as described.

You will notice in Sketch No. 4 a frame-work erected in the center of the cabin. On this rack of untrimmed sticks they hang their salmon and other fish to smoke and dry them over the fire. They then pack them for use in square boxes neatly made of yellow cedar, smoked, oiled, and trimmed with bears' teeth, in imitation of the nails we use on our trunks—like the old brass nails of former years.

Some of these Indian houses are quite elaborately painted on the front, as seen in Sketch No. 3, the residence of Skillat's widow.

These paintings have an allegorical meaning, and frequently represent facts in the history of the chief or the tribe.

In front of the entrance there is usually a porch, built with railing, to prevent the children from falling off, and you will notice the round hole for the entrance. They are covered inside with heavy wooden doors, securely fastened within by large wooden bars, as if for safety against attacks. The doors are usually about four feet in diameter, and their circular form resembles the opening of the "tepe" or tents of the tribes of the plains.

In front of most of the cabins of the chiefs, large poles, elaborately carved, with figures imitating bears, sea-lions, crows, eagles, human faces, and figures, are erected. These are supposed to represent facts in the history of the chiefs, as well as being heraldic symbols of the tribe. By referring to Picture No. 1, you will see the poles (very poorly engraved) standing in front of the cabins; in another sketch not engraved is an enlarged copy of these poles, and on No. 5 are some very curious colossal frogs, a bear, and war-chief, with his "big medicine-dance" hat on. All of these things show a great fondness for art, which, if developed, would bear good fruits. It also shows that these Indians have the time, taste, and means for other things than immediately providing the mere necessities of existence.

In the carving of their canoes they display great skill, making them entirely by the eye. They are as accurately balanced and beautifully modeled as possible. A copy of a canoe, with a group of Indian women dressed in their highly-colored blankets and calicoes, you will find in Sketch No. 10, (not engraved in this edition.)

PEACEFUL CHARACTER OF THE INDIANS AT WRANGEL.

The testimony as to the peaceful and industrious character of the Indians at Wrangel is abundant. On this point Leon Smith, the post-trader, who was killed, says in a letter to me dated October 30, 1869, "I have found them to be quiet and well disposed toward the whites." Again, "The Stikine tribe are a very honest tribe and partial to the whites." (See Appendix C.) W. Wall, interpreter at Wrangel, says: "The majority of these Indians are very industrious and are always anxious to get employment," and he adds, "In conclusion, I have no hesitation in stating (after nearly three years' experience in their means and ways) that these Indians if properly instructed and advantage taken of the resources of the country, might not be comfortable, but by

the sale of furs and their other produce, might become wealthy." (See Appendix D.)

Hon. William S. Dodge, ex-mayor of Sitka, says of the Alaska Indians, as a whole: "They are of a very superior intelligence, and have rapidly acquired many of the American ways of living and cooking. Their houses are clustered into villages, very thoroughly and neatly built, and far more substantial and pretentious than the log-houses usually constructed by our hardy backwoodsmen."

In this description Mr. Dodge includes the Stikines, Kakes, Kootzenoos, and the Koloshan tribes generally.

Of the Sitkas Mr. Dodge says: "They supply Sitka with its game, fish, and vegetables, such as potatoes, turnips, beets, and radishes, and they are sharp traders."

Mr. Frank K. Louthan, post trader at Sitka, says of the Sitkas: "They are industrious and ingenious, being able to imitate admirably almost anything placed before them." He tells of their "chopping and delivering one thousand cords of wood for the United States quartermaster, under many disadvantages, as well, if not better, than it would have been done by the same white labor, under similar circumstances."

Mr. Louthan further says: "That our Indians are susceptible of a high standard of cultivation I have no doubt." "This can only be done by the aid of industrial and educational schools. The missionary is working to good advantage at Vancouver Island and at Fort Simpson, in whose schools can be found men and women of high culture and refinement, fit to grace almost any position in life."* "The Koloshans, our own Indians from Tongas to the Copper River, are quite as intelligent and easy of culture, needing only the same liberal system of education to, in a very short time, utilize them for every purpose of government and usefulness." (See full report of F. K. Louthan, Appendix E, and report of H. G. Williams, Appendix B.)

LIQUORS BROUGHT TO WRANGEL.

As I have reported at Tongas, so it was at Wrangel. A quantity of porter and light wines, ten barrels of ale, and five barrels of distilled spirits, (whisky, brandy, &c.,) were hoisted up from the hold of the Newbern, marked Leon Smith, post trader at Wrangel. As I had called the attention of the revenue officers to the violation of President Johnson's order in landing the liquors at Tongas, the officer commanding the post at Wrangel asked me my opinion of the business. I called his attention to the wording of the papers permitting the shipment of the liquors from San Francisco. It was the same as at Tongas—for the "use of the officers at the post." The captain† read this, reflected a moment, and then said that he would not permit it to land. The beer and porter was landed and taken into Leon Smith's store, and the whisky, brandy, rum, &c., was carried up to Sitka.

At Wrangel, as at Tongas, there is no medical attendance, nor care or supervision of any kind whatever, other than military, over the Indians.

DEMORALIZING EFFECT OF THE NEAR PROXIMITY OF SOLDIERS AND INDIANS.

I have spoken of the ill effects of the near proximity of soldiers to the Indian villages, and of the demoralizing effects upon both. It is the same in all Indian countries. It appears to be worse here because more needless. Nowhere else that I have visited is the absolute uselessness

* Under charge of Rev. W. Duncan, who wrote the letter on page 10. V. C.

† Brevet Captain Borrowes, U. S. A.

of soldiers so apparent as in Alaska. The only communication being by water—there are no roads by land—it follows that vessels suitable for plying up the inland seas, manned by a few revenue officers or good, smart sailors, will do more toward effectually preventing lawlessness among the Indians, and smuggling or illicit trade with the whites and Indians, than five hundred soldiers located at post. Nearly all the United States officers that I have conversed with agree on the above, and recommend a reduction in the force in this Territory. There are five hundred here now, when two hundred would be ample for the whole Territory.

The soldiers will have whisky, and the Indians are equally fond of it. The free use of this by both soldiers and Indians, together with the other debaucheries between them, rapidly demoralizes both, though the whites, having the larger resources, and being better cared for by the government in houses, clothing, and food, endure it the longer.

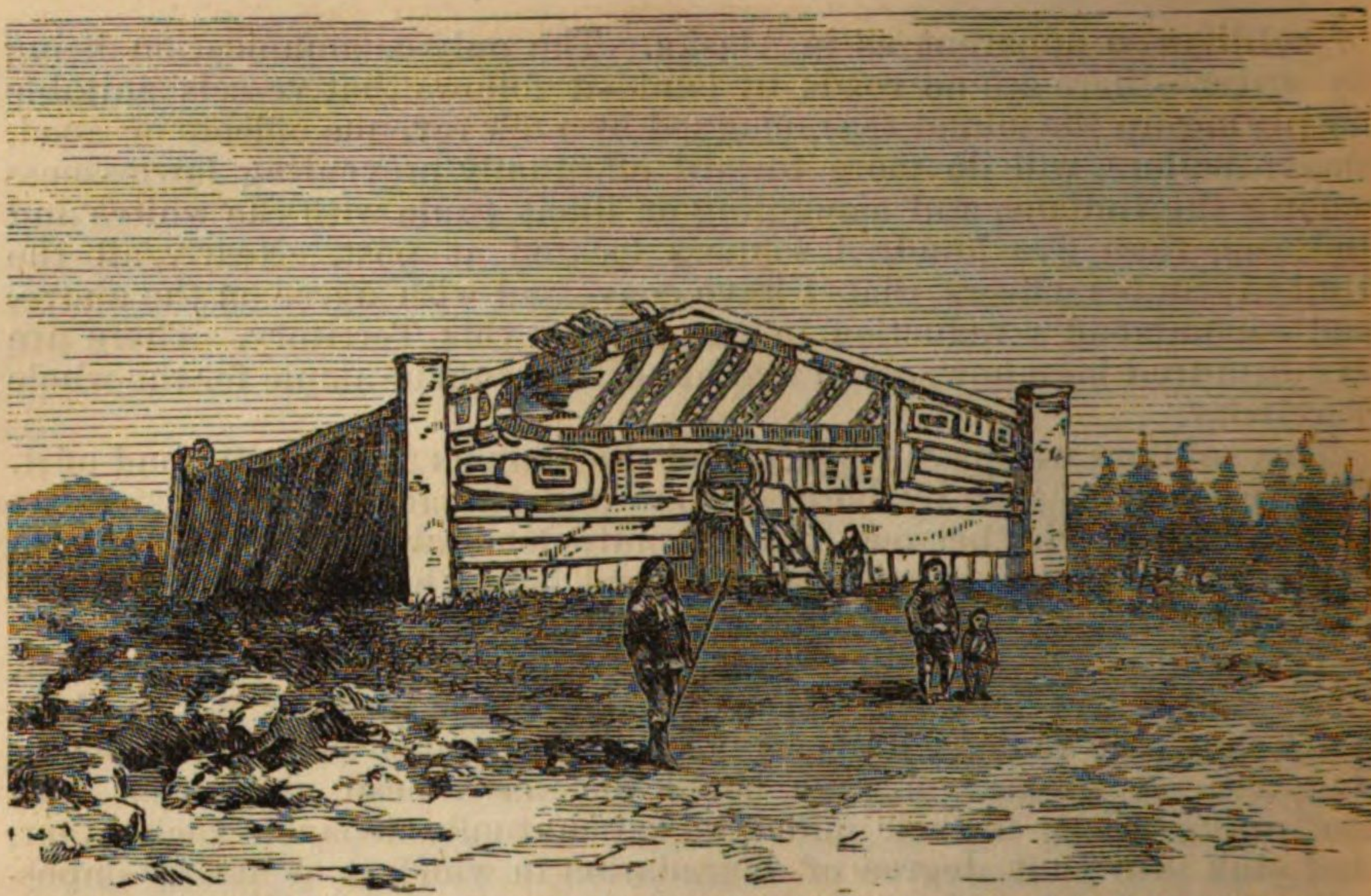
The United States medical director of the department of Alaska, Dr. E. J. Baily, says: "I am satisfied that little or nothing can be done until they (the Indians of Alaska) are placed under more favorable influences. A greater mistake could not have been committed than stationing troops in their midst. They mutually debauch each other, and sink into that degree of degradation in which it is utterly impossible to reach either through moral or religious influences." (See report, Appendix G.)

ABUSE OF INDIANS AT WRANGEL.

On my return trip, while stopping at Wrangel, October 29, Leon Smith, assisted by two half-drunken discharged soldiers, assaulted an Indian who was passing in front of his store. Mr. Smith, ex-confederate officer, said that he was under the impression (mistaken, as he afterward admitted) that the Indian had struck his little boy, and he only shook the Indian. The drunken soldiers standing by then, of their own accord, (unsolicited, Mr. Smith says, by him,) seized the Indian, brutally beat him, and stamped upon him. I had been taking a census of the village that afternoon, and hearing the shouts of the party, met the Indian with his face badly cut and bleeding coming toward his home. I immediately went to the post and suggested to the commandant that he should have the drunken soldiers arrested and retained for trial. He sent a lieutenant, with two or three men, "to quell the disturbance," the Indians meanwhile having become excited, and to "use his own discretion about arresting the men." Lieutenant Loucks returned soon after without the drunken soldiers, and gave as his reason that "the Indian struck Mr. Smith's boy," which, as I have said, was disproved.

The drunken men belonged to a party of over one hundred discharged soldiers who had come down on our steamer from Sitka, and were on their way to San Francisco. Some of them had been drummed out of the service for robbing the Greek church at Sitka, and for other crimes. I had informed the commandant of their character the morning after our vessel arrived, and suggested to him the propriety of preventing any of them from landing and going to the Indian village. He replied that he had no authority to prevent any one from landing. I was surprised at this, as I supposed Alaska was an Indian territory, and that the military had supreme control.

The day after the assault upon the Indian, the commandant came on board the Newbern and asked very kindly my opinion about the propriety of attempting to arrest the two drunken soldiers, but as there



No. 3.—THE WIDOW OF SKILLAT, THE FORMER CHIEF'S HOUSE AT WRANGEL, ALASKA.

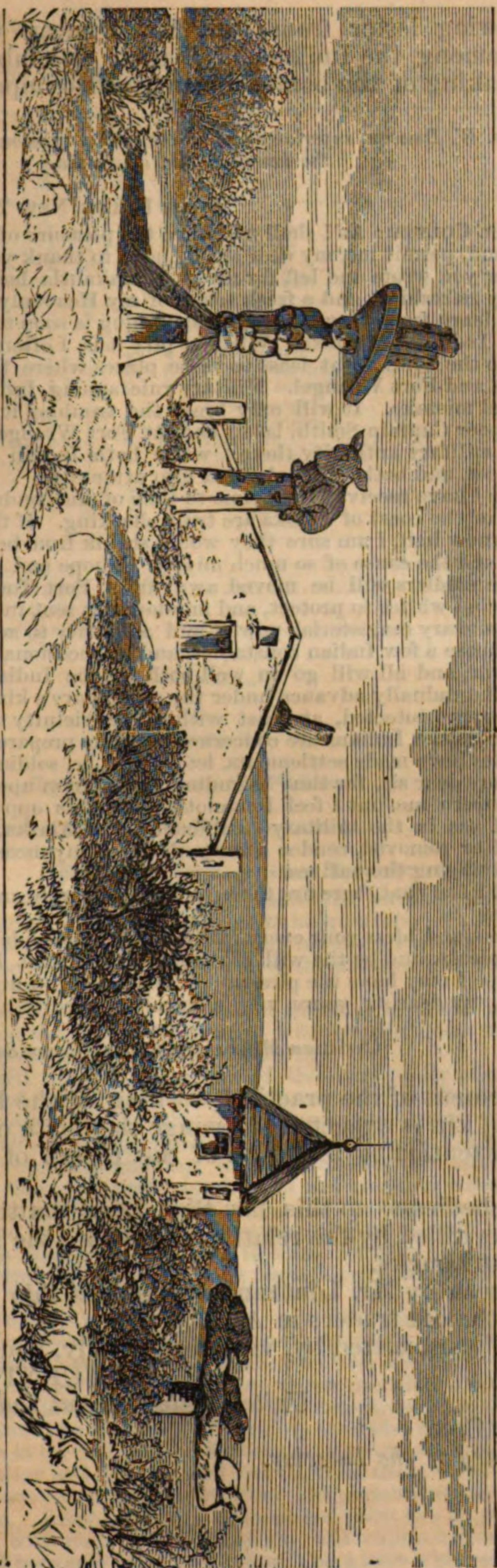


No. 4.—INTERIOR OF INDIAN HOUSE AT WRANGEL, ALASKA.

were over one hundred soldiers on board, and the affair had occurred at near twilight, so that it would be impossible to recognize the men, the impracticability of doing this at that late hour was apparent.

The news of the bombardment of this village by the commandant of the post reached us as we close report.

The connection of some of the events narrated above with those mentioned in the report to the Secretary of War in his communication to the United States Senate, (Ex. Doc. No. 67,) inclosing the report of Lieutenant Borrows concerning the recent bombardment makes them interesting.



Chief's son,
carved bear.

Tomb of the
chief's son. Three colossal frogs carved in wood.

No. 5.—SHEK'S, THE SECOND CHIEF'S, HOUSE AND MONUMENTS AT WRANGEL, ALASKA.—TWO CANNON BALLS WERE SENT THROUGH THIS HOUSE DURING THE RECENT BOMBARDMENT BY THE COMMANDANT OF THE POST, NO. 2.

The following letter from Rev. Mr. Duncan the most successful missionary among the Indians in British Columbia near the coast of Alaska, speaking of the bombardment, is also important:

Letter from Rev. W. Duncan, superintendent of the Indian missions in British Columbia, near the boundary line of Alaska.

ASTOR HOUSE, NEW YORK, February 28, 1870.

MY DEAR MR. COLYER: As I shall not have the pleasure of meeting you on my way home to England, permit me, my dear sir, by note, to thank you most sincerely for the very kind letter you wrote and left for me at Metlakahla last November. Your sympathy was very refreshing, and a fresh token of my Heavenly Father's care over me.

I am glad to learn from your letter that something is soon to be done for the spiritual welfare of the Indians of Alaska. What a pity it is, I often think, the missionaries did not precede the soldiers, at least to those places where there are only Indians, as at Fort Tongas and Fort Wrangel. Military rule among Indians, while heathen, is, I feel sure, a fatal mistake. It will only breed the troubles it was intended to check. (The blood of poor Captain Smith, lately shot at Fort Wrangel, lies, I am sorry to say, at the door of military authority there,) while both Indian and soldier are reciprocating their vices, and both being plunged into utter ruin.

The accounts I have received from time to time of the conduct of the soldiers in the Indian camps of the coast of Alaska are truly shocking. If the United States government did but know half, I am sure they would shrink from being identified with such abominations, and the cause of so much misery. I hope and pray, that in God's good providence the soldiers will be moved away from Fort Tongas and Fort Wrangel, where there are no whites to protect, and missionaries sent in their places.

Give the missionary magisterial power, and authority to act as a custom-house officer; let him choose a few Indian constables, and be occasionally visited and supported by a ship of war, and all will go on well both for the Indians and the country too. The Indian will gradually advance under the missionary's kind rule, the customs laws will be efficiently protected, at least within the vicinity of the mission, and the country (so far as the Indians are concerned) become prepared for the white settlers. When the whites have made settlements, let, if need be, soldiers be sent to them.

Excuse me, my dear sir, for thus intruding my opinion upon matters which in one sense do not concern me, but I feel I cannot let pass this opportunity for venting my grief at what I see in the military establishment of Alaska, which will, I am sure, unless changed or removed, render utterly abortive any measures you may adopt for teaching and civilizing the natives.

How rejoiced I feel that there are those in this land who are seeking the welfare of the poor Indian.

May God direct and bless your every effort in your benevolent undertaking.

If it should please, and be the will of Almighty God that I shall return to Metlakahla, I do hope I may have the pleasure of seeing you on my way thither.

Believe me, my dear sir, yours, very sincerely and gratefully,

W. DUNCAN,

Christian Missionary Society House, Salisbury Square, London.

For a statement of the practical working of the Indian law by which the nearest of kin is expected to avenge the death of his relative killed, I call your attention to a portion of the report of Frank K. Louthan, Appendix F.

It was in obedience to this law that Leon Smith, the post-trader at Wrangel, was killed by the relative of Siawan, the Indian shot by order of Lieutenant Loucks.

It will be seen by Mr. Louthan's report that this law was well understood by all the old traders in Alaska.

Respectfully submitted by, very respectfully, your obedient servant,

VINCENT COLYER,

United States Special Indian Commissioner.

Hon. J. D. Cox,

Secretary of the Interior.

APPENDIX A.

Census of the Indian village (Stikine) at Wrangel, Alaska.

Houses.	Men.	Women.	Boys.	Girls.	Houses.	Men.	Women.	Boys.	Girls.
First	7	5	4	5	Eighteenth	5	5	3	3
Second	4	4	1	1	Nineteenth	5	5	2	2
Third	7	10	1	10	Twentieth	4	7	7	1
Fourth	4	6	4	1	Twenty-first	5	5	1	0
Fifth	10	9	0	10	Twenty-second	4	3	4	0
Sixth	3	3	4	0	Twenty-third	5	7	1	4
Seventh	1	1	1	1	Twenty-fourth	5	8	1	0
Eighth	6	4	6	4	Twenty-fifth	8	10	3	7
Ninth	5	7	3	0	Twenty-sixth	6	9	7	4
Tenth	5	6	0	3	Twenty-seventh	4	9	3	7
Eleventh	5	5	0	4	Twenty-eighth	4	5	1	2
Twelfth	2	2	1	0	Twenty-ninth	7	10	2	0
Thirteenth	6	6	0	10	Thirtieth	2	2	5	0
Fourteenth	7	5	1	1	Thirty-first	3	3	3	2
Fifteenth	2	2	1	1	Thirty-second	8	6	3	2
Sixteenth	2	4	3	3					
Seventeenth	8	10	1	1	Total	159	183	77	89

Men	159
Women and children	349
Total	508

APPENDIX B.

Report from Harry G. Williams.

THE STIKINE INDIANS AT WRANGEL.

FORT WRANGEL, ALASKA TERRITORY, *October 30, 1869.*

DEAR SIR: Immediately after leaving you on board the steamer Newbern, I was snugly stored away as a guest of the post surgeon, in his quarters. H. M. Kirke, acting assistant surgeon United States Army, gave me a very interesting account of the nature, customs, means of livelihood, occupation, and also of the diseases and manner of their treatment among the Stikine Indians.

Of their nature, he says, they are very docile and friendly, ingenious, and labor well and faithfully, but by being brought into contact with unprincipled white men are soon found to adopt and imitate their manners and ways.

In their customs they still maintain the most of those originally observed by their nation. However, many of them take great pride in imitating civilized ways of dress, which in their opinion renders them equally as good as a white man. Their means of livelihood are chiefly by salmon fishing, which they catch in immense numbers, and prepare for winter use by drying and smoking, after which they are stored away carefully. Many of them use flour, but prefer hard bread and crackers when they are able to obtain them. They are very fond of coffee, sugar, and molasses, and like all other Indians easily become fond of ardent spirits, to obtain which they will sometimes sacrifice nearly everything in their possession. In this manner they are imposed upon by those who know no principle or law, who have been known to sell them essence of peppermint, Stoughton's bitters, and absinthe, charging them four dollars a bottle, (holding one pint.) Absinthe is a compound which, if used as a constant beverage, soon unseats the mind, produces insanity, and sometimes death. Dr. Kirke tells me that he can find none among them who are entirely free from the indications of some form of disease. A large number of them are more or less inoculated with the different forms of venereal diseases, which, had they proper protection, could be avoided. But I regret to say that men cannot be blamed for following examples set by their superiors, the consequence of which is the Indian women become mere concubines, at the will of those whose duty it is to try and elevate and not degrade them. These women are never known to seek any such degrading intercourse, but permit it merely for the pecuniary gain it affords them. Justice, honor, and manhood point the finger of scorn, and cry shame to such. Men with virtuous, noble wives and children, even to stoop to such acts! Thank a kind heavenly Master, there will be a time when such men can be

seen in their true character, and be made to feel the power of an avenging hand. I am fully convinced that by kind and careful teaching this great evil could be remedied and the Indian race again restored to its former virtue and honor, and gradually become an intelligent, industrious, and educated people.

THE STIKINE RIVER.

After remaining at Wrangel one week I procured an Indian guide, purchased a canoe and sufficient provisions to last three months, and Monday, at half past one p. m., September 13, started on a tour of inspection up the Stikine River, the mouth of which is about ten miles north from Wrangel Island. We reached main land about four p. m., and after luncheon again resumed our journey, overtaking a number of Indians during the afternoon.

These Indians were from Wrangel, and on their way to the interior, where they go every fall to trade for the furs of more distant tribes. A systematic form of exchange is carried on from one tribe to another until it reaches the coast tribes, thus bringing many valuable furs many hundred miles from the interior of a vast and unexplored country.

As we advanced, day after day, the general appearance of the country gradually assumed a better appearance. The scenery along the river is far beyond my power of description. Immense mountains, whose snow-crowned heads pierce the dome of heaven in solemn and domestic grandeur, rise in every direction.

COAL, IRON, AND COPPER.

In many places on these mountains could be seen huge masses of coal, looking as though a little push would set them tumbling down their sides. Iron and copper abound in many places, and gold can be found in every direction, very thinly scattered. As yet no discoveries have been made that would warrant a speedy acquirement of wealth by mining, but the indications are very good that at no distant day very rich mines will be found. A strong party of prospectors left Victoria in May last, for the purpose of exploring the entire interior westward, and are daily expected to make their appearance somewhere along the coast. Many are ready and waiting to embrace any new discoveries they may have made in their long journey. As we advanced to the interior we found a greater change in the condition of the Indians. They being removed from the coast, had no idea of wrong or evil actions. They are far more honest than the same number of white men would be under the same circumstances. You can form an idea of this from the following, which I learned from an eye-witness: In 1862 a large immigration of miners to this coast was caused by the discoveries of gold about two hundred miles up the Stikine River, at a bar named after the discoverer, (Mr. Chockett, nicknamed Buck,) hence the name of "Buck's Bar," which was worked but one or two years, (owing to the difficulty of getting provisions,) and then nearly all of them returning, many left their entire kits of tools and working utensils and goods of every variety; some hung them up on trees, others stowed them away in caves and niches in the rocks, and abandoned them. The Indians are continually passing them, and have been known to replace them when their fastenings would give way and let them fall to the ground, thereby showing not even the existence of a wrong thought in the minds of these red men. The only thing they have ever been known to appropriate was a few potatoes and about five pounds of flour belonging to one of the miners there, and this they were almost forced to take from inability to procure sufficient food to sustain life. This instance can be multiplied by many more of the same nature, were it necessary. Fifty miles up the river is an abandoned house, once used by the Hudson's Bay Company for trading with the Indians.

THE GLACIER OF THE STIKINE.

Opposite this place is an immense glacier, about four miles long and an unknown width, extending westward between two large mountains, until it is no longer discernible. It varies in depth from one to five or six hundred feet, commencing near the water and extending along its course. The top is furrowed and cut by the rain into every variety of shape, only needing a small addition to form correct images of houses, towers, giants, caverns, and many other forms. Viewed from the east side of the river, when the sun is shining full upon it, it presents a most beautiful appearance, its innumerable points glistening like burnished silver, and its caverns becoming more dark by comparison. Toward sunset the effect of the day's sun causes it to crack, which makes a deep rumbling noise that can be heard for ten or fifteen and sometimes twenty miles. Immediately opposite its center, across the river, is a boiling spring, bubbling up in eight or ten places, whose water is so hot that it will crisp a person's boots in a very short time, as many incautious persons can testify. It seems as if nature must have been on a frolic during her stay here, and becoming chilled from the glacier, came across the river and found this warm stream in which to sport.

Along the river are four other smaller glaciers, but, compared with this one, they become mere snow-balls. Seventy-five miles from the mouth of the river is located the trading post of the Hudson's Bay Company, in charge of their agent, Mr. Chockett, known throughout the country as "Buck;" he is esteemed very highly by the Indians, from the fact that his dealings have been uniform, and his promises always faithfully redeemed, thus gaining a firm place in their estimation. At the time of my visit he showed me over eight hundred marten, one thousand beaver, and a large number of many other kind of furs; this being about the middle of the trading season with him. He has been two hundred and seventy-five miles from there up the river into the interior prospecting for gold. Sixty miles from there you reach an immense cañon, ninety miles long, extending through the Coast or Chignik Mountains. The current in this place runs so rapidly that you can form no idea of its speed. It reminds you of a huge gun, as you see fragments of trees and logs fly along in its angry foaming waters. In some places the rocky sides gradually incline inward, until at a distance of two or three hundred feet above the water they come so close that a good jump will take you across the yawning chasm below. In the spring, when the ice breaks up in the river, the water rises from forty to sixty feet in this cañon, and you may imagine its appearance then.

After crossing the mountains, you reach a beautiful prairie, well watered and plenty of fine timber. Here are found deer, bear, antelope, mountain sheep, beaver, and nearly every variety of game, excepting the buffalo. The gold continues about the same, and is found to a small extent in river bars. No quartz existing precludes the idea of any large deposits in this vicinity.

The change in the climate is more striking than that of the country. It is clear, bright, and invigorating, with but very little rain. The atmosphere is so pure that you can see much further and more distinctly than in any other climate. The nights are almost as bright as the day; so bright that you can easily read coarse print. The Indians in this vicinity have almost an Eden to live in; game and fish in endless number seem to be only waiting their will. These tribes make annual journeys overland southward, and meet those coming from the coast, thus finding a ready market for their furs, for which they obtain ammunition, guns, axes, buttons, cloth, and tobacco; also many other small notions. But very little liquor ever reaches them, and thus they escape the great source of degradation and corruption which soon sweeps away nations, power, and happiness. I do not wish my readers to think that I am a rigid temperance man, for I am not. I regard liquor the same as any other article of drink or food; that is, if it is properly used, it will not injure any one; but abused, it becomes a scourge and lashes hardest those who embrace it most, degrading them even below the brute creation. Its effect on the Indian is much different and more dangerous than on the white man. When an Indian becomes intoxicated, he becomes wild, reckless, and cruel, not even hesitating to kill any one who may meet his displeasure. They will continue drinking as long as they can procure liquor, thus showing how rapid would be their course toward a fearful end.

At the time of my leaving Philadelphia, my opinion was like the masses who had never seen or inspected the Indian in his own native power and country; *i. e.*, "that he was incapable of ever being civilized or becoming of any importance whatever." Since my journey and inspection of the different tribes whom I met, and observing the change produced in them by association alone, every item of doubt regarding it is turned to a certainty, that they can, under honest, faithful instruction, be advanced far beyond our imagination.

After running up the Stikine, I then entered one of its tributaries, about one hundred and fifty miles up, called the Clear Water River. It was named by a party of miners, from the fact of its water being much more clear than the Stikine. The Clear Water runs southeast. It is a very rapid stream indeed, and in many places very shallow. It can be navigated with difficulty about fifteen or twenty miles in canoes, where rapids occur so frequently that no one cares to risk life and property by braving them. Here the climate is very fine and healthy, inhabited by the "Stick" or Tree Indians. These Indians partake of the same descriptions and traits as those along the Stikine. We left our canoe moored in a small side stream in full view of a trail in constant use by this tribe, and during a week which I spent in traveling from there in every direction, not a single article was disturbed by them. I frequently met them, and would ask them in their own language ("Mika manick, mika canin?") "Did you see my canoe?" They would say ("Moitka") "Yes;" and on returning I could see their trail pass it, but no indication of their approaching. I prospected in many places for gold, and found but very little difference between the deposits here and elsewhere, with one exception. About ten miles from camp, and five miles up a large creek (coming in from the northeast) called Boulder Creek, deriving its name from the amount of large boulders found along its course, is a fall of about five or six feet, at the foot of which are some small deposits of coarse gold buried among huge boulders of many tons' weight. It is not in sufficient quantities to warrant an investment in mining tools

&c., necessary to overcome these obstacles and remunerate any one for time and trouble.

Becoming fully convinced that there was nothing in this section sufficient to recompense me for the sacrifice of home and its surroundings, I determined on returning to them as soon as possible. Accordingly, October 21, all things being in readiness, at day-break I bid farewell to our old camp and its pleasant surroundings, headed the canoe down stream, and began a journey of nearly five thousand miles homeward bound. In the first day's travel we run about eighty miles, encountering many dangerous places, but coming through them all safely. Many times, in spite of our united efforts, the current would sweep us against its rocky boundary, and almost smash our canoe. Again in trying to avoid huge trees (left in the river at high water) we would be forced to head our boat directly for them, and with a silent prayer wait the result. The canoe being gradually rounded from its bottom up to a long sharp bow, and driven ten or twelve miles an hour by the strong current, would strike the tree and seem to leap out of the water over it, as if it was running from some fearful danger.

The next day's run we reached the Great Glacier, and camped in the old house, remaining there one day to overhaul our goods and feast our eyes on the beautiful scenery. After tramping over a large mountain and shooting some grouse and squirrels I returned to camp, and next morning determined to reach Wrangel again. It was a long and hard pull of sixty miles, the river having become much wider and the current ran from four to six miles an hour. We reached there about 9 p. m. tired and hungry, and were welcomed back and well entertained. Our friends were about sending a canoe up after us, fearing that we would not survive the dangers of the return trip. We were disappointed at not finding any letters from home there for us. Thursday night we were awakened by the signal gun of the Newbern, and our hearts gave a great bound of joy at the prospect of a speedy return to the dear ones far away. If in this simple, unpretending letter you find anything instructive or interesting I shall be amply repaid for this attempt at a description which, in good hands, would fill a large volume, every item being of interest. As it is I must endeavor to double the "one talent" given, that it may be well with me. For the kind Christian advice given me by you on our way up from San Francisco I thank you most earnestly, for through it I have been greatly benefited. Although I may never repay you, your reward awaits you in heaven. May God's blessing ever rest on you and your efforts is the wish of

Your devoted friend,

HARRY G. WILLIAMS,
Philadelphia, Pa.

VINCENT COLYER,
Special United States Indian Commissioner.

APPENDIX C.

Letter from Leon Smith.

WRANGEL ISLAND, A. T., October 30, 1869.

DEAR SIR: In answer to your questions of yesterday, permit me to say the number of Indians at this point is estimated to be about 500.

Since my arrival here, the 1st of March, 1869, I have found them to be quiet, and *seem well disposed toward the whites.*

They live on fish (smoked salmon) and game, and they provide themselves with clothing from the furs they gather, either by trade or trapping.

Twice a year most of the Indians make a trip up the Stikine River to Talyan, at which place the Stick tribe reside, and trade with them for interior marten, mink, beaver, bear, wolverine, lynx, land otter, and some other skins. They take up salmon, fish oil, blankets, domestics, red cloth, beads, molasses, flour, and in fact every other article suitable for Indian trade. They give about ten yards of print for one prime marten; three and a half pounds of salmon, three gallons of molasses, for the same, and for other skins in proportion.

The Stick tribe a very honest tribe, and partial to the whites. I will now start from this point and go with you to Talyan, on the North Fork. We leave here and go about seven miles to the mouth of the Stikine with, say, five Indians in my canoe. The current is rapid at all seasons. We reach the glacier, thirty-five miles from the mouth, in two days; from there we proceed to the Hudson's Bay Company's post, two miles above the boundary line between Hudson's Bay Company and Alaska, a distance of thirty miles, in two days—four days from the mouth. From here we find the current very rapid, and we tow our canoe along the two banks; we send three of our men on shore to tow, and keep one in the bow and stern. We tug along about ten miles a day until we reach Shakesville, named after the chief of the Stikine tribe, with

whom you are acquainted. We reached Shakesville in about five days, about fifty miles from the Hudson's Bay Company, being about one hundred and thirty miles from the mouth. From here we tug along twelve miles to Buck's Bar, at which point, or in its vicinity, some eleven miners are at work on surface digging. They average about three dollars a day, and generally come to the mouth to winter. The men do some trading in furs. They here find silver, copper, coal, and iron, but, with the exception of coal, not in large quantities. The coal near the North Fork is of good quality, the vein being some thirty feet. We now leave Buck's Bar, bound to Talyan, a distance of twenty miles. We work hard for three days, and at last make fast to the banks at Talyan. We are received kindly by the chief, Nornuck, and by all the tribe. The tribe remain away from home, and at their hunting grounds, about six months out of the year. They do their trading with the Stikines; the Hudson's Bay Company sends goods up, and in fact do most all the trading. * * * *

I spoke to you of Mr. Charles Brown's farm and waterfall. He tells me that he has raised about fifteen tons of potatoes, two tons of cabbage, four tons of turnips, and a large quantity of beets, lettuce, peas, carrots, &c. He has a turnip weighing six pounds. Potatoes average well; some came aboard yesterday.

The lake is about one mile wide, and two and one-half long; the fall is about forty feet, with water enough to run forty saw-mills. Mr. Brown has been living at that point about two years; it is about ten miles from here.

Out of six pounds of seed Mr. Brown tells me he raised four hundred and fifteen pounds of potatoes.

Mr. Hogan, a miner at Buck's Bar for two years, tells me that the altitude of the country will not permit them to raise vegetables; the country is broken, mountainous, and swampy.

Of the other tribes of the Territory I know nothing.

Hoping you will excuse this hurriedly penned memorandum, I am, sir, very respectfully, your obedient servant,

LEON SMITH.

Hon. VINCENT COLYER,
Special Indian Commissioner.

APPENDIX D.

Letter from W. Wall.

FORT WRANGEL, A. T., November 8, 1869.

DEAR SIR: The Stikine Indians live at present on a small bay near the northern extremity of Wrangel Island, and within about seven miles from the mouth of the river Stikine. They number altogether about three hundred, and are divided into nine tribes, each tribe having a chief, and all subject to one chief.

The present chief is Shakes; he does not possess by any means the authority and influence which his predecessor did; the principal reason is he is very poor, and another is he reports to the commanding officer all the misdeeds of the village. He is well disposed, and his only fault is his fondness for whisky, which is the cause of his poverty.

The majority of these Indians are very industrious, and are always anxious to get employment, but, like all the Indians on the coast, are passionately fond of whisky. Such is their desire for it that they will dispose of their most valuable furs at a most extraordinary sacrifice to obtain it. However, since the country came into the possession of the United States they have not as many opportunities as formerly of gratifying their passion.

It is a well-known fact, that the sale of whisky to Indians on this coast, (and to the interior Indians through these on the coast,) has reduced their numbers, caused petty feuds, idleness, theft, and predisposes them to disease and mortality, reducing them to the level of the lowest brute. They are artful and cunning, and to gain a point will tell lies in a most bare-faced manner; at the same time they look upon a respectable white man as incapable of telling an untruth; and if a white man once deceives them by telling an untruth, or otherwise, they look upon him as below caste, and will avoid as much as possible all future dealings with him.

It is also a well-known fact that immorality among the Indian tribes is not so general as when they associate with the white population. Both male and female seem to suffer alike by the association, and the natural consequence is quite evident—disease and a remarkable decrease in population.

The principal sustenance of these Indians is fish, berries, fish oil, seal oil, venison, and mountain sheep. Potatoes and turnips they are very fond of, and buy them in considerable quantities from the Hydahs, who live further up, and seem to understand their cultivation.

The soil and climate here are well suited for the growth of potatoes, turnips, cabbage, carrots, parsnips, beets, &c.; but both from the want of knowledge and of implements, the Indians never make an earnest attempt; they simply cultivate a few potatoes in a most indifferent manner.

The fur-bearing animals on the coast are numerous, and good of their kind, viz: bears, mink, and hair seal; and it is strange how these Indians neglect, in a great measure, this very important source of wealth. I can account for it in this way: their appliances for procuring the means of subsistence are so indifferent, and their total neglect of raising any vegetables leaves them in that condition that they really have neither the time nor the independence to go out for a two or three months' trapping expedition. However, there are some exceptions which go to prove the statement which I make. I know one Indian who last winter killed twelve large and eight small bears, about thirty minks, and a number of hair seals; he had besides a small patch of potatoes; this Indian had only his wife to assist him. In conclusion, I have no hesitation in stating, (after nearly three years' experience in their means and ways,) that these Indians, if properly instructed, and advantage taken of the resources of the country, they might not only become comfortable, but by the sale of furs and their other produce become comparatively wealthy.

I have much pleasure in offering you these hurried remarks, hoping you might find them useful in assisting you in the good work you have undertaken.

I am, sir, yours, most respectfully,

W. WALL.

Hon. VINCENT COLYER,
United States Special Indian Commissioner.

APPENDIX E.

Report from F. K. Louthan on the Indian tribes of Alaska.

ALASKA, October 28, 1869.

DEAR SIR: A residence of nearly two years at Sitka, intimately associated with the trade of the country, and in daily communication with the Indians, has afforded me some advantages for observing the habits and wants, manners and customs, of these people.

I need only refer to the Sitkas, whose history and character afford an example that pertains, in a peculiar degree, to all of the tribes on our coast, from Fort Tongas, near our southern boundary line, to Copper River, away to the northward and westward, about six hundred miles.

The village of the Sitkas consists of fifty-six houses, well built and comfortable, adjoining the town of Sitka, or New Archangel, being separated only by the palisade, a rude defensive line of upright logs, placed by the old Russian American Company. The village contains a population of about twelve hundred souls all told. They have been, and are now, governed by one great chief, aided by sub-chiefs, all of whom are elected by the tribe. It is impossible for me to give the number of the latter, their position being neither arbitrary nor perpetual, as is that of the great chief or "tye." They live by fishing and hunting, each in their proper season, the men devoting a large portion of their time trading with the interior Indians for furs, giving in exchange their dried salmon and halibut, cotton goods, printed and plain, blankets, guns, powder, balls, &c.

They are industrious and ingenious, being able to imitate admirably almost anything placed before them. Of their industry, I need only to refer to the fact that for the quartermaster and myself, in a few days' notice, they supplied, under great disadvantages, both of weather and means, one thousand cords of wood, Russian measure, of 216 cubic feet each. This large amount of wood was cut from one to four miles away from our town, and delivered and corded by them as well, if not better, than would have been done by the same white labor under similar disadvantages.

Our Indians are shrewd traders, readily understanding prices and values, easily understanding both our coins of different denominations, and our "greenbacks." They are tractable and kind when kindly treated, but vindictive and exacting full compensation for wrongs inflicted, come from what quarter they may. All difficulties, even that of killing one equivalent in money, or what they may elect. The failure to blankets," or the real or supposed injury is at once the signal for retaliation. I can promptly pay for a great favor upon the system on the part of the government, of adapting but look with great idea, immediate settlement with their people for all wrongs of magnitude, (whether on the part of the military or the individual,) entirely upon estimated

value. This is the time-honored custom of the red man in Alaska, and pertains to all alike, wherever dispersed throughout the vast Territory.

At present it is more than folly to attempt to induct him into any other way of looking at a wrong or injury. Authority, with definite instructions to our rulers, whether civil or military, to in this way settle all disputes, especially when life has been taken, will always keep him (the Indian) peaceable and friendly, and in the end save to the government many notable lives and a large expenditure of treasure.

I am led to these reflections by observing that in this way the Hudson's Bay Company and the Russian-American Fur Company have, for nearly a century, lived in comparative security among the Pacific coast Indians, failing in but few instances, a confidence betrayed, property taken, or life endangered,

Again, my own personal experience is a powerful example of the system of such a course. Last New Year's eve a difficulty occurred at the market-house in Sitka, between a Chilkah chief and a soldier, a sentinel, which resulted in the imprisonment in the guard-house of the chief, and through some unaccountable manner the death by shooting, in a day or two afterward, of three Indians. For a full account of these early difficulties I refer you to a report of General J. C. Davis, made about that time.

Among the Indians killed was one Chilkah, one Kake, and one Sitka. The Kakes very promptly sought the usual remedy, but, failing to satisfy themselves, adopted their extreme remedy, "an eye for an eye, a tooth for a tooth;" meeting two white men near their village, promptly dispatched them, thereby lost all of their village, burned by order of the general commanding; hence the so-called "Kake war."

For nearly five months no coast or interior Indians appeared among us, to the great detriment of trade, the Chilkahs especially keeping themselves aloof from us all winter. Well knowing the chief and most of his people, I determined to pay them a visit for purpose of trade and to restore friendly relations. First, a small schooner reached their village in May last, and found them sullen and listless, and effected but little in any shape for several days. At the end of the fourth day our little vessel was suddenly boarded by about seventy-five well-armed men, bent on satisfaction either in property or life, for the man killed at Sitka nearly five months previous. The exigencies of my situation required prompt and immediate action. Asking, from our closed cabin, an audience, it being granted, I stepped out among them with my interpreter, an Indian, and while protesting against their wish that I should pay for what had been done by our military chief at Sitka, satisfied them by giving them a letter to the general commanding, asking him, for the sake of trade and security to life, to pay for the man killed, giving my promise to the Indians to pay for the dead man if the general refused.

The general refused to listen to the delegation waiting on him with my letter. I returned with my vessel again to Sitka and to Chilkah, when I promptly paid the price asked—thirteen blankets and one coat, amounting in value, all told, to about fifty dollars, coin. I feel quite sure that in this simple settlement I arrested serious trouble to myself and probably to the government.

I made afterward a similar settlement with the Chilkahs in Sitka, for one of their men killed by a young man in my employ. I can safely say that, dealt with in this way, there need never be any serious complication of Indian affairs in this Territory. Many irregularities and immoralities exist among our coast Indians. Like their brothers of the plains, they are great lovers of whisky, and will barter their all to get it. They should be prohibited its use, but how to effect this is a problem I am unable to solve, unless the importation is entirely prohibited. That our Indians are susceptible of a high standard of cultivation there can be no possible doubt. This can only be done by the aid of industrial and educational schools. The missionary is working to good advantage at Vancouver among the Hydahs, and at Fort Simpson among the Chemseans. In these two tribes can be found men and women of high culture and refinement, fit to "grace almost any position in life."

The Koloshan, our own Indians from Tongas to the Copper River, are quite as intelligent and easy of culture, needing only the same liberal system of education to, in a very short time, fully utilize them for every purpose of government and usefulness.

The inhospitality of the country, differing as it does so widely from the usual fields of civilized men, must for a long time make the Indian the nucleus of population of Alaska; and if so, how very essential that he be at once advanced through education and example to his high destiny.

While the manners and customs are the same of the whole Koloshan race, there is a marked difference in the wealth and condition of those tribes living on the mainland coast over that of the islander. Position, custom, and numbers have given to the former the entire control of the valuable trade with the interior, in some five of the great mainland tribes, each warlike and powerful, and equally jealous of any encroachments on their peculiar privileges.

Beginning north we have the Copper River Indians, variously estimated from three to four thousand strong; but little is known of this people. They are, however, known to be very rich in furs.

The early Russians told fabulous stories of the existence of both gold and copper on this river, which is proved by the fact that the Indians are at times seen to use these metals in their ornaments.

Next in order, south, are the Klahinks, about one thousand strong. They live in the great basin or park known as Behring Bay, between Mount St. Elias and Mount Fairweather, and have a splendid communication with the interior by means of two long, fine rivers emptying into the bay. These Indians are gentle, hospitable, and kind, but are poor, having been neglected by the traders for the last three years. They are in quick communication with a splendid fur-bearing country, and only require a market to develop splendid resources.

Next in order are the Hoonid, or Cross Sound Indians, two thousand strong. They live on the eastern bank of the sound for a distance of sixty miles, and are the oil merchants of the coast, taking enormously large quantities of seal, dog-fish, and ulican oil, which they barter to their brethren along the coast. These oils are used largely by our Indians as an article of food; it is used by them as we use butter.

At the head of the Chatham Straits, almost due north from Sitka, two hundred and twenty miles, are the Chilkahs, at least ten thousand strong. They are a brave and warlike people, "more sinned against than sinning." I have had much to do with them, and ever found them honest, faithful, and kind. Their villages extend from the mouth to a distance of seventy-five miles up the Chilkah River. Coal and iron abound in inexhaustible quantities; huge masses of iron can be found among the boulders almost anywhere along the banks of the noble stream. The Indians state the existence of gold in the mountain passes of the river. The "color" has been found near the mouth. On every hand can be seen quartz cropping boldly out from a width of from one to twenty feet. Nothing is known of its character or value. These Indians are among the richest, if not the wealthiest, of our coast Indians. Large quantities of the most valuable furs are annually gathered and sold by them. They are in every way independent.

Twenty miles north of Sitka, and east of Admiralty Island seventy-five miles, are the Takoos, living at the head of Takoo Inlet, on the Takoo River. These Indians claim to be richer in furs than any of the tribes around them. About the same quantity can be got here as on the Chilkah. Some idea may be gathered of the large trade at one time done with them when I state but a short time ago the Hudson's Bay Company made their trade lease from the Russian-American Company's furs taken in a single trip of their steamer over five thousand marten skins, and other valuable skins in proportion.

The Takoos number about the same as the Chilkahs, and are a proud and haughty race. Gold is well known to exist anywhere along this river, but the Indians have steadily refused to permit any development. Coal is also found here in large quantities; indeed it is found throughout the coast and islands of our inland waters. Of salmon it would be invidious to particularize; they are found in endless numbers anywhere in our fresh-water streams. The largest and best are found in the Takoo, Chilkah, Behring Bay, and Copper River, reaching an enormous size, many of them weighing seventy pounds.

Give Alaska a market and she will soon develop a second New England.

The conformation of our mountain ranges are not unlike those of Washington, Oregon, and California. They form our coast and are iron-clad—a greater portion of them iron. A distance of twenty or thirty miles will pass one through this range, where is found an almost level plateau well covered with timber. This plateau extends inland for a distance of from seventy-five to one hundred and fifty miles, when another chain of mountains is reached, answering to what is known as the Cascade Range in Oregon, or the Blue Range in California.

There can be no doubt, from what the Indians tell us, in this plateau, between the two ranges, the prospectors will at no distant day develop a field as rich in the precious minerals as any found in the southward.

Very respectfully,

F. K. LOUTHAN.

Hon. VINCENT COLYER,
Fort Wrangel, A. T.

APPENDIX F.

Letter from Frank Mahoney on the Indians and their trade in Eastern Alaska.

SITKA, A. T.

DEAR SIR: In compliance with your request I give you my views in relation to the various Indian tribes of this Territory as far as my observation goes. In regard to the population and number of some of the tribes I have no data; of others I can speak from observation; that is to say, from Cook's Inlet to the southern boundary.

From what I can learn of the extreme northwest, in the Behring Sea to the Straits,

the Indians lead a wandering life, and are variously designated as the "Kochunsky," "Onossky," "Cagatsky," and "Colching." These tribes are estimated from four thousand to five thousand. During the winter months, say from October to April, they will wander over immense tracts of country, in bands of from fifty to one hundred, sometimes undergoing great privation; and it has been said that they will sometimes sacrifice one of their number to save the rest from starvation. Their occupation is trapping and hunting the reindeer. They will travel during this season of the year from the valley of Yukon to Copper River, stopping for short periods where game and furs are plenty. They will sometimes touch the shores of Prince William Sound, Cook Inlet, and also the western shore, in Behring Sea. The skins they collect are fine marten, mink, silver and black fox. The few natives the writer has seen show them to be a peaceable race and respectful to the white man, looking upon him as a superior; there is no doubt but they could be shaped into useful citizens in time.

To the south, on the Aleutian chain of islands and on the peninsula of Unalaska, are the Aleutes, a very quiet race, and nearly all Christians. Their number is said to be about seven thousand. Those living on the islands are engaged in fur-sealing, sea-otter hunting, and trapping the fox, of which there are the silver, cross, and red. They are found employed at the different trading posts in the Territory.

The Indians of Cook Inlet and adjacent waters are called "Kanisky." They are settled along the shore of the inlet and on the east shore of the peninsula. A very sociable race of Indians, their number is from five hundred to eight hundred. During the winter months they leave the shores for the purpose of hunting and trapping, when in the spring they return to their summer homes, dispose of their winter products to traders for tea, sugar, tobacco, sheeting, prints, clothing, flour, hardware, such as knives, axes, hatchets, &c. The spring and summer, till the latter part of June, is passed in idleness, when the salmon season commences, and lasts until August, when they dry large quantities of salmon, weighing from forty to one hundred pounds each.

East of Cook Inlet, in Prince William Sound, there are but few Indians; they are called "Nuchusk." There may be about four hundred in all, with some few Aleutes.

Hutchinson, Kohl & Co. have a post on the south end of Heuenbrooke Island, which is the depot for the furs that come down the Copper River, although they collect many sea-otter, for which the shore about the mouth of Copper River and around Middleton Island is famous.

Every year, the middle of June, three or four large skin-canoes, capable of carrying five tons each, are sent up Copper River, loaded with trading goods, done up in one-hundred-pound packages, covered with water-tight skins, so that should accident happen, which not unfrequently occurs, the goods are portable to handle. It takes about eighty days to make the trip; the canoes are hauled most of the way on the ice, on their ascent of the river. On the return, the winter collection of furs is brought down, the river then being clear of ice. The magazine is about eighty miles up the river. The Indians about Copper River are called "Madnussky," or Copper Indians, and may be classed with the wandering tribes. To the east, along the coast, about one hundred and fifty miles from the mouth of Copper River, we come to Behring Bay. The most northern of the Kolosh Indians, of which there are numerous tribes, extending to Portland Canal, all speak the same language with a little difference in dialect. They are a savage and piratical race, and as a general thing are not to be trusted. Fear of punishment for outrages keeps them in order.

I herewith add a list of the tribes from Behring Bay to the southern boundary :

Residence.	Name of tribe.	Number.
Behring Bay.....	Yakutat.....	300
Behring Bay.....	Stikine.....	1,200
Behring Bay.....	Tongas.....	800
Cross Sound.....	Whinega.....	500
Cross Sound.....	Whinega, (interior)...	800
Chilkaht Inlet.....	Chilkaht.....	2,500
Chilkaht Inlet.....	Anega.....	300
Stephen Passage.....	Takon.....	2,000
Stephen Passage.....	Sitka.....	1,000
Admiralty Island.....	Hoodsinoo.....	1,000
Admiralty Island.....	Kake.....	750
Admiralty Island.....	Auk.....	750

Of the Yakutat tribe, they have but few furs in the winter; they do nothing in spring. They trade and trap with some Indians to the south of them, who live on some small streams that empty into the ocean. I could get no information from them respecting their neighbors, regarding their numbers and language. All they said was that they were more numerous than themselves, and they made good trade with them for marten, mink, fox, bear, wolverine, and lynx, for which they gave them tobacco, brown sheeting, needles, thread, knives, buttons, beads, &c.

The Yakutats have been in the habit of trading with the Sitkas and Chilkahs, who in the summer season pay them visits, taking from Sitka such articles as dry goods, powder, shot, knives, and trinkets, bringing back furs.

The Whinegas have but few furs; they are chiefly employed in hair-seal fishing, of which they get abundance; they get in trade about eight cents apiece for them. They also get some marten, mink, fox, and bear from Cross Sound.

We go north to Chilkah, at the head of the inlet so named, where there is a river on which are three villages; each village is presided over by a chief.

The Chilkahs are the most numerous of all the Kolosh tribes. They catch some furs about their own grounds, but the greater portion comes from the interior, or where they go to trade twice a year, spring and fall. There is no doubt but they make a big profit on the skins they bring down.

Nothing is known of these interior Indians, only what the coast Indians say, that they are called "Si-him-e-na, or Stick Indians." They will allow no whites to pass up the rivers. The trade which the coast Indians take into the interior consists of dry goods, blankets, tobacco, powder, shot, and light flint-lock muskets, if they can get them. Although the ammunition and muskets are a prohibited trade in this Territory, still the Indians get them from the Hudson's Bay Company at Fort Simpson. Steel traps, knives, hatchets, needles and thread, and little cheap jewelry, form their principal trade, for which they get in exchange, marten, mink, silver, cross and red fox, black, brown, and grizzly bear, lynx, wolverine, ermine, beaver, land otter, and some inferior skins. The price they give may be represented thus: Marten, 50 cents; mink, 25 cents; lynx, 20 cents; silver fox, \$1 25; cross and red fox, from 25 cents to 50 cents; wolverine, 37½ cents; bear, black, 50 cents to \$1 50; bear, grizzly, 50 cents to \$1 50; bear, brown, 50 cents; beaver, 20 cents to 40 cents; land otter, 50 cents.

These they exchange with the trader at an advance of from two hundred to four hundred per cent. for such articles as they require. The traders' tariff may be quoted: For prints and sheeting, 25 cents per yard; tobacco, \$1 50 per pound; molasses, \$1 per gallon; powder, \$1 50 per pound; shot, 50 cents per pound; blankets, (assorted,) \$3 to \$6. Steel traps, knives, vermilion, flour, hard bread, beans, rice, and some few articles in the way of clothing, pants, shirts, (cotton and woolen,) blue cloth caps with glazed covers, shoes, and some minor articles.

The trading prices for skins are: Marten, \$2 to \$3; mink, 25 cents to \$1 50; bear, black, \$1 50 to \$3 50; bear, grizzly, \$1 to \$3 10; bear, brown, 50 cents to \$2 50; fox, silver, \$4; fox, cross, \$1 50 to \$2; fox, red, 75 cents to \$1; beaver, 80 cents to \$1 per pound; land otter, \$1 50 to \$2; hair seal, 8 cents to 10 cents; deer-skins, 15 cents to 20 cents.

The above may answer for the Indians from Chilkah to Portland Inlet. Of the Takos, the same may be said as of the Chilkahs and tribes above Stephen's Passage.

On the east of Admiralty Island are the Koot-se-noos. They have but few furs, but collect considerable hair seal and deer-skins. They also raise quantities of potatoes of good quality and fair size.

Coming east through Pearl Straits to Sitka are the tribe of that name. They are employed in trading with the other tribes, hunting, and fishing, and are employed as porters and laborers about the town of Sitka. They also cut nearly all the cord-wood that is used by the citizens. They may be considered very useful adjuncts of the town citizens, as they are the chief purveyors, supplying them with all kinds of fish and game, such as ducks, geese, venison, grouse, &c.

Going south around Baranof Island, and up through a portion of Chatham Straits, we come to the Rat tribe on Kyro and Kespriano Islands. They catch some furs, such as lynx, bear, and hair seal, besides trading with some of their neighbors. Their trade has fallen off considerably since the occupation of the Territory by the Americans. They formerly were in the habit of getting their trading goods from small crafts from Victoria, but at present the Indians north, south, east, for two hundred miles, either come to Sitka or get their wants supplied from small crafts that load or are owned by Sitka merchants.

Passing east and south through Frederick's Sound, we come to Wrangel Island and the mouth of the Stikine River, where are the villages of the Stikine tribe. They were some years ago a numerous tribe, but liquor and its concomitant vices materially lessened their numbers. They collect considerable marten, mink, bear, and lynx. They have formerly carried on considerable trade with the interior tribes, but since the discovery of gold in 1862, the competition of the whites has lessened their trade.

The furs that are collected in this section are principally disposed of at Fort Wrangel.

To the west and south of Prince of Wales Island is an off-shoot of the Hydah or Queen Charlotte Island Indians. They number some three hundred and are called An-e-ga. They, it may be said, are the only Indians from Behring Bay to Portland Inlet that speak a different language from the rest. They raise considerable quantities of potatoes, trap mink, bear, and beaver. They also go up the Naas River in March for the collection of the hoolicon or candle-fish oil, which, when pressed, is as well flavored as leaf lard.

In Clarence Straits and adjacent islands they are the connecting link between the Kolosh race and Simpsians on the British side. They speak the Kolosh, Simpsian, and Hydah tongue. They catch considerable mink, bear, beaver, wolverine, and some sea otter. The An-e-gas collect large quantities of candle-fish oil or grease. It is put up in tight cedar boxes, from fifty to eighty pounds, and taken north as far as Chilkah, and brings good prices in furs.

The Indians from Puget Sound to the northwest catch and dry large quantities of salmon; the further north the better the salmon.

In Cook Inlet the salmon commence running in June and deteriorate in quality as they go south. July and August are the months about the latitude of Sitka, and gradually later as they go south, so that at Puget Sound in September and October they are the most plentiful, and not as good flavor.

Take the Indians of the coast of the Territory they are as well supplied with the necessities of life as the aborigines of any country in the world. The forests are filled with game, the waters with fish, and the beach and rocks with clams and muscles. They are a healthy and vigorous race; both men and women can back very heavy loads. The men and women are more on an equality than the Indians of Puget Sound and east of the Cascade Range. They are steady and good workers for a short time—say one month—when they like to knock off for about the same time. The writer thinks that it would be an impossibility to turn the Indian from his vagabond life. The change to order, with laws and schools, might last for a short time, but the novelty would wear off, and they would fall back into their old ways. They soon pick up the vices, with none of the virtues, of the whites. It is the opinion of the writer that it would take a generation to shape them into useful citizens, although a partial success has been obtained by Mr. Duncan a short distance below Fort Simpson with the Chimpsians, and still they fall off.

The writer is not at all prejudiced against the Indians. Wherever he has come in contact with them, which has been much in the last sixteen years, he has endeavored to show them the bad policy of their predatory ways; shows them advantages which can accrue by industry, that this may act as a stimulant.

Respectfully yours,

FRANK MAHONY.

Hon. VINCENT COLYER.

Special United States Indian Commissioner.

APPENDIX G.

Medical Director Bailey on intemperance and debauchery.

SITKA, ALASKA TERRITORY, October 25, 1869.

MY DEAR SIR: I inclose for your information the report of Acting Assistant Surgeon John A. Tonner, United States Army, in medical charge of the Indians in this vicinity, in conformity to instructions given him by me. A copy of the same is inclosed.

This report is instructive and contains important suggestions which, if carried out, would go far toward improving their condition.

I am satisfied that little or nothing can be done until they are placed under better and more favorable influences. A greater mistake could not have been committed than stationing troops in their midst. They mutually debauch each other, and sink into that degree of degradation in which it is impossible to reach each other through moral or religious influences.

Whisky has been sold in the streets by government officials at public auctions, and examples of drunkenness are set before them almost daily, so that in fact the principal teaching they at present are receiving is that drunkenness and debauchery are held by us, not as criminal and unbecoming a Christian people, but as indications of our advanced and superior civilization.

These Indians are a civil and well-behaved people; they do not want bayonets to keep them in subjection, but they do want honest, faithful, and Christian workers among them; those that will care for them, teach and instruct them in useful arts, and that they are responsible beings. I look upon the different military posts in this department as disastrous and destructive to their well-being; they are not, and can never be, of the least possible use; they are only so many whisky fonts, from whence it is spread over the country. If we ever have trouble with them and become involved in war, it will be found to arise from these causes. From the nature and character of the country, posts never can render the least influence or afford protection against contraband trade; this can only be done by armed vessels, in command of choice men. To go into detail on all points would require pages; you have seen enough to satisfy yourself; and in giving you the inclosed report I only want to add my testimony

against what I conceive to be a most grievous error in the management of the Indian affairs in this Territory.

When you go home send us honest, faithful, Christian workers; *not place-seekers*, but those who want to do good work for *Christ's* sake and kingdom. Send men and women, for both are wanted.

When you can do away with the evils spoken of, and which are so evident, and adopt this latter course, then there will be hope, and not until then.

Sincerely your friend,

E. J. BAILEY,

Surgeon U. S. A., Medical Director Department of Alaska.

Hon. VINCENT COLYER.

APPENDIX H.

Letter from Captain Edward G. Fast (late of the United States Army,) on the character of the Koloshan Indians.

WASHINGTON, D. C., March 15, 1870.

DEAR SIR: In response to your letter of the 14th instant, in which you request my opinion as to the general character of the Koloshans, particularly whether any trouble with them may be apprehended by the United States troops or traders, if they are treated with ordinary fairness, I have the honor to state:

As to the original character of the Koloshans I can only corroborate the graphic description of the Hon. Charles Sumner, in his speech on the cession of Russian America to the United States. It is doubtless familiar to you, and therefore I refrain from going into particulars. But on the other hand, the influence of their intercourse with the white man has effected so great a change of their original character that I must necessarily refer to it.

Thrown together with the whites for more than eighty years, the Koloshans, like the aborigines in the western plains, have willingly adopted the vices of the white man and sacrificed many a virtue of their own. Their intercourse with the Russians was of very extraordinary character. They were never conquered by the Russians; and in all the inimical encounters they had with them they were either victors in fact, or in a measure reaped the fruits of a victory by receiving donations of blankets and other necessities of life, to effect a reconciliation. So they not only remained entirely independent, but were brought to the belief that the Russians feared them. To this inconsistent policy of the Russians we have to ascribe, that when the American government took possession of the country, we were looked upon with distrust and even suspicion. The Koloshans expected at least the same consideration as they had enjoyed with the Russians. In that they found themselves deceived. But more, they found that they were deprived of sundry luxuries with which they had been freely provided by the Russians; a loss the more keenly felt as they observed the unlicensed indulgence of the Americans in the very articles withheld from them. In this respect I must principally refer to the use of liquor which had become a second nature with them.

One of the first very necessary actions of the new government was the prohibition of liquor to the Koloshans, but which was enforced in a manner exceedingly humiliating to them, and only by cunning artifices and extravagant offerings they were able to procure the much-desired whisky from the Americans. Yet they had daily before them the revolting spectacle of drunkenness and dissipation publicly and shamelessly presented by the Americans, and even by such, from whose official standing they naturally supposed the origin and enforcement of the restrictions imposed. Who will condemn them, when they, having such examples before their eyes, were filled with deadly hatred and contempt for the Americans, who, not unfrequently, in their drunken recklessness, heaped all sorts of insults upon them; and who can wonder that these people, injured thus in their innermost feelings, were led to deeds of violence which found so bloody and summary retribution?

From my personal experience, I know that these people can be managed by fair and just dealing. I might compare them to a stubborn and wayward boy, led astray by evil example; he can only be managed by persevering kindness, but he must know, nevertheless, that there is the will and strength to punish insolent defiance. The Koloshans must learn that we do not fear them, and then they will respect us; they must be made conscious that we do not misuse them, then they will have no opportunity to misinterpret our doings. Distrust is a leading trait in their character, and selfishness the motive of their actions. Let us be *just* to them, and their mistrust will vanish, and their selfishness no longer find an ailment. In the quiet possession, and the development of the resources of Alaska, we shall need to fear nothing more than a serious quarrel with the Koloshans. Such a quarrel has already begun, and in view

of their martial spirit, of their vindictive disposition, and persevering energy, will have no other termination than their complete extinction, should we not assume a policy entirely different from that hitherto exercised toward them.

The relics I found among the Koloshans give proof of a comparatively high civilization, and admirable skill and steadiness. By their intercourse with the white man, now they are victims of rum and whisky; laziness and indolence have supplanted the virtues of their forefathers.

The Koloshans differ very much, by many distinct peculiarities, from the aborigines in the western plains, and possess qualities facilitating an earnest and systematic effort for their civilization.

As I have already advocated, on another occasion, our true policy should be to bestow upon them the blessing of civilization, and to promote their material welfare by a peaceful and benevolent management, not only for the sake of Christian philanthropy, but also for our own material interest, in order that at least their preservation, and, if possible, their numerical increase, may be secured.

The influence of the climate, and the peculiarity of the soil of Southeastern Alaska, are, with few exceptions, opposed to the introduction of agriculture, the main foundation of a new colony. All necessities of life, which agriculture produces, have to be imported from Victoria, or from American ports, and as there are but few points on this extensive coast which enjoy a direct communication with these parts, and, as it happens not unfrequently, particularly in winter time, that several months pass before a new supply can be had, what would become of the settler if the friendly natives did not furnish him with game, which only they know where and how to find? And, again, without his assistance, the capture of fur animals would amount to very little, and its cost would be so large that furs from Alaska could hardly be considered as an article of commerce. In one word, Alaska, without her natives, is worthless.

May these suggestions, based upon incontestable facts, and made in good faith in the sincerity of our government, contribute to the adoption of a policy that will be to the benefit of these people, ourselves, and the great cause of humanity and civilization.

I have the honor to be your obedient servant,

EDWARD G. FAST,
Late Captain United States Army.

Hon. VINCENT COLYER,
Secretary Board of Indian Commissioners.

LETTER
OF
THE SECRETARY OF THE TREASURY
COMMUNICATING,

In compliance with a resolution of the Senate of February 24, 1870, information in relation to the Marine Hospital Building at New Orleans.

MARCH 22, 1870.—Referred to the Committee on Commerce and ordered to be printed.

TREASURY DEPARTMENT, *March 19, 1870.*

SIR: I have the honor to acknowledge the receipt of the following Senate resolution, dated February 24, 1870, viz:

Resolved, That the Secretary of the Treasury be directed to cause to be examined the unfinished iron structure known as the Marine Hospital Building at New Orleans, and report the probable cost of its completion, whether it is expedient to complete the same, and if not, the proper disposition of the same, and the best method of providing marine hospital accommodation at that point.

In reply I inclose herewith reports of the Supervising Architect and Dr. J. S. Billings, medical inspector of marine hospitals under this department, and have to say that, after a full consideration of the case, I am satisfied that the interests of the government would best be promoted by disposing of the present marine hospital property and purchasing the ground upon which the "Sedgwick Hospital" buildings stand, and that the latter buildings be transferred from the War Department to the Treasury Department for the use of the marine hospital service.

I would, therefore, recommend that authority be granted this department to dispose of the present marine hospital property, or to sell or remove the building, and sell the lot separately, as may be deemed most advantageous for the interests of the government. I would also recommend that the "Sedgwick Hospital" buildings be transferred to the marine hospital establishment, and that authority be given this department to purchase as much of the estate upon which they are located as may be deemed necessary, out of the proceeds of the sale of the present marine hospital property.

Very respectfully,

GEO. S. BOUTWELL,
Secretary.

Hon. SCHUYLER COLFAX,
President U. S. Senate.

TREASURY DEPARTMENT,
Office of Supervising Architect, March 18, 1870.

SIR: In accordance with your instructions I have the honor to submit the following report on the present condition of the marine hospital building at New Orleans, Louisiana, the probable cost of repairing and completing the same, and my recommendations in regard thereto.

As regards the condition of the structure, I have to say, that a thorough examination of it was made about a year ago, by experts resident in New Orleans, who reported that it was very much out of repair. The roof leaks and is worthless; the galleries are out of level in consequence of the decay of the brick piers on which they are supported; much of the glass in the windows is broken; the floors are badly worn and rotting; all of the exterior iron and wood work is deteriorating for want of paint, and unless a speedy remedy is applied will soon be entirely worthless; all of the fences and out-houses are in a state of ruin and decay.

Two estimates have been made by the parties above referred to—one amounting to \$175,000, and the other to \$118,086 95—for its repair and completion; but I feel confident that they are much below, rather than above, the amount which would be required to make the necessary repairs and complete the building. I feel confident that the sum of \$200,000 would be required to place the building and grounds in a proper condition.

From the information in possession of this department I do not believe that it would be desirable to expend such a sum of money upon it, as the grounds are subject to overflow and are therefore unhealthy, as will appear by the report of the medical inspector of the marine hospital.

I would, therefore, recommend the sale of this building, and the grounds on which it is situate, and would advise the transfer of the Sedgwick hospital from the War to the Treasury Department for marine hospital purposes.

This building was erected during the war. It consists of a series of wooden buildings arranged in the "pavilion" style, (which is the most approved for hospital purposes.) It is located on high ground, four miles above New Orleans, in a beautiful grove of live oaks, and is well fitted and arranged for hospital purposes, being well drained and supplied with water. The ground-rent now paid for this property is \$350 per annum.

The property is a part of the estate of the late Marquis Foucher, Paris, France, and it is understood that it will soon be disposed of at public sale. The amount of ground which it will be desirable to retain for hospital purposes is about twenty acres; the value of which does not exceed \$30,000. The present value of the buildings is estimated at \$50,000 *in their present position*; but if sold to be carried off, it is estimated by the War Department that they will not bring over \$7,000. I therefore recommend that authority be obtained to dispose of the present property and to purchase the other site, and that the buildings be transferred to the marine hospital service.

Very respectfully,

A. B. MULLETT,
Supervising Architect.

Hon. GEORGE S. BOUTWELL,
Secretary of the Treasury.

TREASURY DEPARTMENT,
Washington, D. C., March 19, 1870.

SIR: I have the honor to report that I have carefully examined the iron building erected for marine hospital purposes in the city of New Orleans, La., and that it is in very bad condition. The location is bad, being low and subject to overflow, and in September last there was a pond of water under the building.

It cannot be completed and put in order without the expenditure of a greater sum than would be required to purchase ground and build a new hospital of equal capacity, and much more satisfactory in its arrangement.

I am therefore satisfied that it will be best to abandon all idea of using it for marine hospital purposes, and to dispose of it and the grounds either by sale or by converting it to some other use.

I believe that the interests of the department and the government will be best subserved by procuring for marine hospital purposes the establishment known as the Sedgwick or Greenville hospital, which was built during the war. In a sanitary point of view its location is the best that could be obtained in the city; it is well drained, and not subject to overflow. It consists of a series of one-story wooden buildings erected on brick piers, is fitted up with pipes for water and gas, has gas works, a steam-kitchen, laundry, &c.; in short, is one of the very best of the army hospitals. The ground upon which it stands is a part of the estate of the late Marquis Foucher, and it is supposed will soon be sold at auction.

In company with the collector of the port, the chief quartermaster of the department, and a surgeon of the army, I visited this hospital two weeks ago and selected the portion which it will be desirable to retain for marine hospital purposes.

The amount of ground required is about twenty acres, the actual value of which is from \$1,200 to \$1,500 per acre. As it is known, however, that the government may become a purchaser, I was informed that a combination would probably be formed to increase the price.

The buildings and machinery are worth about \$50,000, but will not sell for more than \$7,000, as estimated by the chief quartermaster of the department.

The technical difficulties in the way of purchasing it if sold at auction are great, and its purchase should not be made to depend upon the sale of the marine hospital building and grounds, since it will take some time to complete such sale; and action, to be of use in regard to the Sedgwick hospital property, must be speedy.

I estimate that \$10,000 will be required to put the hospital in order, transfer the steam laundry from its present position (which is not on the twenty acres referred to) to a proper site, to fit up earth-closets, and to effect the changes in the water supply which will be necessary under the proposed arrangement.

If it were possible to have the ground reserved as necessary for government purposes, and its value to be fixed by appraisers, it would be the best mode of dealing with the matter.

The buildings of the Sedgwick hospital will give ample accommodation for two hundred and fifty patients.

The number of sick seamen usually under treatment in New Orleans is about seventy-six, but this number is liable to increase largely during epidemics. They are now treated under contract in the Charity hospital, and, by an agreement just made, in the Hôtel Dieu. Their treat-

ment under the present plan is not satisfactory, and it is certain that the government ought to have a marine hospital of its own in this city.

Very respectfully, your obedient servant,

J. V. BILLINGS,

Ass't Surgeon and Bvt. Lieut. Col. U. S. Army.

Hon. GEO. S. BOUTWELL,

Secretary of the Treasury.

Approved:

N. B. DEVEREAU,

Supt. Rev. Marine and Hospitals.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES

RECOMMENDING

Early legislative action toward an increase of the commerce of the United States.

MARCH 24, 1870.—Read, referred to the Committee on Commerce, and ordered to be printed.

To the Senate and House of Representatives:

In the Executive message of December 6, 1869, to Congress, the importance of taking steps to revive our drooping merchant marine was urged, and a special message, promised at a future day, during the present session, recommending more specifically plans to accomplish this result. Now that the committee of the House of Representatives intrusted with the labor of ascertaining "the cause of the decline of American commerce" has completed its work, and submitted its report to the legislative branch of the government, I deem this a fitting time to execute that promise.

The very able, calm, and exhaustive report of the committee points out the grave wrongs which have produced the decline in our commerce. It is a national humiliation that we are now compelled to pay from twenty to thirty millions of dollars annually (exclusive of passage-money, which we should share with vessels of other nations) to foreigners for doing the work which should be done by American vessels, American built, American owned, and American manned. This is a direct drain upon the resources of the country of just so much money, equal to casting it into the sea, so far as this nation is concerned.

A nation of the vast and ever-increasing interior resources of the United States; extending, as it does, from one to the other of the great oceans of the world, with an industrious, intelligent, energetic population, must one day possess its full share of the commerce of these oceans, no matter what the cost. Delay will only increase this cost and enhance the difficulty of attaining the result. I therefore put in an earnest plea for early action in this matter, in a way to secure the desired increase of American commerce. The advanced period of the year, and the fact that no contracts for ship-building will probably be entered into until this question is settled by Congress, and the further fact that, if there should be much delay, all large vessels contracted for this year will fail of completion before winter sets in, and will therefore be carried over for another year, induces me to request your early consideration of this subject. I regard it of such grave importance, affecting every interest of the country to so great an extent, that any method which will gain the end will secure a rich national blessing. Building

ships and navigating them utilizes vast capital at home; it employs thousands of workmen in their construction and manning; it creates a home market for the products of the farm and the shop; it diminishes the balance of trade against us precisely to the extent of freights and passage money paid to American vessels, and gives us a supremacy upon the seas of inestimable value in case of foreign war.

Our navy, at the commencement of the late war, consisted of less than one hundred vessels, of about one hundred and fifty thousand tons, and a force of about eight thousand men.

We drew from the merchant marine, which had cost the government nothing, but which had been a source of national wealth, six hundred vessels, exceeding one million tons, and about seventy thousand men to aid in the suppression of the rebellion.

This statement demonstrates the value of the merchant marine as a means of national defense in time of need.

The committee on the causes of the reduction of American tonnage, after tracing the causes of its decline, submit two bills which, if adopted, they believe will restore to the nation its maritime power. Their report shows with great minuteness the actual and comparative American tonnage at the time of its greatest prosperity; the actual and comparative decline since, together with the causes, and exhibits all other statistics of material interest in reference to the subject. As the report is before Congress, I will not recapitulate any of its statistics, but refer only to the methods recommended by the committee to give back to us our lost commerce.

As a general rule, when it can be adopted, I believe a direct money subsidy is less liable to abuse than an indirect aid given to the same enterprise. In this case, however, my opinion is that subsidies, while they may be given to specified lines of steamers or other vessels, should not be exclusively adopted; but, in addition to subsidizing very desirable lines of ocean traffic, a general assistance should be given in an effective way. I therefore commend to your favorable consideration the two bills proposed by the committee, and referred to in this message.

U. S. GRANT.

EXECUTIVE MANSION, *March 23, 1870.*

LETTER
OF
THE SECRETARY OF WAR

COMMUNICATING,

In compliance with a resolution of the Senate of the 16th instant, a copy of the report of S. N. Clark, special agent of the Freedmen's Bureau, upon the condition of the freedmen in the Choctaw and Chickasaw Indian nations.

MARCH 25, 1870.—Referred to the Committee on Indian Affairs and ordered to be printed.

WAR DEPARTMENT,
March 24, 1870.

The Secretary of War has the honor to submit to the Senate of the United States, in obedience to the resolution of March 16, 1870, the accompanying copy of the report of S. N. Clark, special agent of the Freedmen's Bureau, upon the condition of the freedmen in the Choctaw and Chickasaw Indian nations.

WM. W. BELKNAP,
Secretary of War.

CHICAGO, ILLINOIS, February 1, 1870.

GENERAL: I have the honor to report the following facts concerning the freedmen and their interests in the Indian Territory, * * * * gathered in the performance of my duty under Special Orders No. 178, Bureau Refugees, Freedmen, and Abandoned Lands, November 26, 1869.

As to the freedmen in the Indian Territory, my inquiries and observations were chiefly with reference to those among the Choctaw and Chickasaw tribes; the remarks regarding one of these tribes applying equally to both.

The population of the country named is about seventeen thousand; of which probably four thousand five hundred are freedmen, formerly slaves of the Indians.

In September, 1865, a convention of the principal southern tribes was held at Fort Smith, and the basis of a treaty with each agreed upon. In the treaties with the Cherokees, Creeks, and Seminoles, it was provided that the freedmen should be recognized and regarded as members (citizens) of their respective tribes. The two tribes last named were wholly loyal to the Union during the war, as was also a majority of the Cherokees. The Choctaws and Chickasaws were, almost without exception, disloyal. Yet the treaty proposed with them, and ratified and

proclaimed in July, 1866, did not provide that the freedmen should be recognized as citizens. The following is the third article of the treaty:

ARTICLE III.

The Choctaws and Chickasaws, in consideration of the sum of three hundred thousand dollars, hereby cede to the United States the territory west of the 98° west longitude, known as the leased district, provided the said sum shall be invested and held by them at an interest not less than five per cent., in trust for the said nations, until the legislatures of the Choctaw and Chickasaw nations, respectively, shall have made such laws, rules, and regulations as may be necessary to give all persons of African descent, resident in said nations at the date of the treaty of Fort Smith, and their descendants heretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain claimed by, or belonging to, said nations, respectively; and also to give such persons, who were residents as aforesaid, and their descendants, forty acres each of the land of said nations, on the same terms as the Choctaws and Chickasaws, to be selected on the survey of said land, after the Choctaws and Chickasaws and the Kansas Indians have made their selections, as herein provided; and immediately on the enactment of such laws, rules, and regulations, the sum of three hundred thousand dollars shall be paid to said Choctaw and Chickasaw nations, in the proportion of three-fourths to the former and one-fourth to the latter—less such sum, at the rate of one hundred dollars per capita, as shall be sufficient to pay such persons of African descent before referred to, as, within ninety days after passage of such laws, rules, and regulations, shall elect to remove, and actually remove from the said nations, respectively. And should the said laws, rules, and regulations not be made by the legislatures of said nations, respectively, within two years from the ratification of this treaty, then the said sum of three hundred thousand dollars shall cease to be held in trust for said Choctaw and Chickasaw nations, and be held for the use and benefit of such of said persons of African descent as the United States shall remove from said territory in such manner as the United States shall deem proper—the United States agreeing, within ninety days from the expiration of said two years, to remove from said nations all such persons of African descent as may be willing to remove; those remaining, or returning after having been removed from said nations, to have no benefit of said sum of three hundred thousand dollars, or any part thereof, but shall be upon the same footing as other citizens of the United States in the said nations.

That the rebel Indians of those tribes would recognize the freedmen as citizens was as probable as that the white rebels of Georgia or South Carolina would voluntarily recognize the freedmen of those States as citizens.

It will be noticed by the above article, that \$300,000 was to be appropriated by the United States to purchase certain territory of these Indians, and expend it in removing the freedmen thereto, in case they were not recognized as citizens; and this, when the United States held in trust for those Indians, under treaties which they had broken by their disloyalty, over \$1,600,000, yielding an annual income of about \$100,000.

I also invite particular attention to the following words in the above article:

All persons of African descent, residents in said nations at the time of the treaty of Fort Smith, and their descendants.

There was a good-sized mouse under this meal. "The treaty of Fort Smith," so called, was made about four months after cessation of hostilities. At least one-half of the colored population were at that time refugees from the Territory. Hundreds of the men, while their masters were disloyal, remained true to the government, and, daring every peril and hardship in their effort to escape, came within our lines and joined our army. A large number of women and children escaped the Seminole country to Kansas. Many were taken to Texas by their rebel Indian masters, to prevent their becoming free; none of these were "residents in the said nations at the date of the treaty of Fort Smith." The men had not yet been discharged from the army; so that iniquitous provision, still in force, excludes the only loyal people in the Territory from participation in even the meager benefits the treaty affords.

No removal of the freedmen was attempted at the expiration of the two years, as provided. I quote the fourth article of treaty—which I dare to say has been steadily violated from the date of its ratification to this day. The violations of the civil rights law have been so frequent and flagrant as to call the attention of the United States district judge. Article fourth follows:

ARTICLE IV.

The said nations agree further that all negroes, not otherwise disqualified or disabled, shall be competent witnesses in all civil and criminal suits and proceedings in the Choctaw and Chickasaw courts, any law to the contrary notwithstanding; and they fully recognize the right of freedmen to a fair remuneration on reasonable and equitable contracts for their labor, which the law should enable them to enforce. And they agree, on the part of their respective nations, that all laws shall be equal in their operation upon Choctaws, Chickasaws, and negroes, and that no distinction affecting the latter shall at any time be made; and that they shall be treated with kindness, and be protected against injury. And they further agree that while the said freedmen, now in the Choctaw and Chickasaw nations, remain in said nations, respectively, they shall be entitled to as much land as they may cultivate for the support of themselves and families, in cases where they do not support themselves and families by hiring, not interfering with existing improvements without the consent of the occupant, it being understood that in the event of making of laws, rules, and regulations aforesaid, the forty acres aforesaid stand in place of land cultivated as last aforesaid.

About all the attempts at agriculture made since the war have been made by the freedmen. Most of the fruits of their labor have been enjoyed without reward by rebel Indians and mean whites. It is true that protection of their persons and property has been generally denied. As bearing on this matter, I quote the following from a letter written by S. S. Mitchell, a citizen of the Chickasaw nation. His letter is dated December 12, 1869. He says:

I have been watching with a good deal of interest this question of settling the freedmen of the Choctaw and Chickasaw nations. The freedmen themselves are very much divided in their ideas about their wants. Their universal opinion is that they cannot live in Choctaw and Chickasaw nations, under Choctaw and Chickasaw laws; and there is one class of them that was absent from the nation at the treaty of peace made at Fort Smith in September, 1865, all of which was excluded by the treaty of 1866, and would not be able to get land if the treaty is carried out. Now, I would suggest that the freedmen would ask the government to set apart for them a country in the leased district, which was for that purpose, according to the treaty of 1866, and have an agent appointed for them, and also ask the government to move them to the country set apart for them, and give them rations for one year, which would enable them to get a start; also ask for farming implements, and have the \$300,000 to remain in the hands of the government as a permanent investment, the interest of which to be used for the support of the government of the freedmen after they are moved to their new homes. On this move the freedmen would have the united assistance of the Chickasaws and Choctaws in everything except the turning over of the \$300,000 to them, and I am of the opinion the Choctaws and Chickasaws would sooner give up the money, particularly if the United States government would demand it, than to give the freedmen the forty acres of land, which would not be enough no how for them. Another advantage would be that any freedmen could go to the colony that wanted to, and they would soon have a flourishing community. I am of the opinion that the government would favor colonizing the freedmen of the Indian tribes. Numbers of freedmen would like to remain in Choctaw and Chickasaw nations if they could have protection of the United States government; but if the Choctaws and Chickasaws give them land they also make them citizens when they come under the laws, and I know that if the freedmen were put under the Choctaw and Chickasaw laws they would have no chance at all in the Choctaw and Chickasaw courts. A good many of their leading men have come to me for advice. They invariably say that they cannot think of remaining in the country and coming under the Choctaw and Chickasaw laws. As a remedy that will work well with both freedmen and Indians, I suggest their colonization either on the leased lands or in the country purchased of the Seminoles, north of the Canadian River. As an inducement for the government to adopt this plan it could be said that the freedmen would raise plenty of corn for their military posts on the frontier.

In September last the freedmen of the Choctaw and Chickasaw nations held a convention at Scullyville, and passed the following resolutions:

Whereas the Choctaws and Chickasaws utterly failed and willfully neglected to fulfill the stipulations of the treaty made with the government of the United States, and approved July, 1866, in regard to the colored people of said nations: Therefore, be it

Resolved, That we do no longer consider those stipulations in relation to us of any force whatever.

Resolved, That we consider ourselves full citizens of those nations, and fully entitled to all of the rights, privileges, and benefits as such, the same as any citizen of Indian extraction.

Resolved, That as we can claim no other country as ours except this Territory, we desire to continue to live in it in peace and harmony with all others living therein.

Resolved, That we are in favor of having this Indian country sectionized, and ascertain amount of land allotted to each inhabitant as his own.

Resolved, That we are in favor of opening this Territory to white immigration, and of selling to them, for the benefit of the whole people of these nations, our surplus lands.

Resolved, That this convention elect three trusty men to act for us as delegates, whenever our interest demands it.

I respectfully submit that the ground taken by them in their second resolution is just, and that as loyal citizens of the United States they are entitled to all the privileges, and that it is the right and duty of the government to provide particularly that they shall share in proportion to their numbers the benefits accruing from the public funds held by the government in trust for those nations. Especially should they share in the annual income for educational purposes, which amounts to about \$47,000, and is devoted exclusively to the education of Indian youth.

It appears to me that under the present farcical and cumbersome government of the Indian Territory this bureau can do nothing, consistently with its regulations, to aid benevolent associations in establishing permanent schools for freedmen. When such aid is rendered, the associations are required to present evidence of title in fee simple to land necessary for school purposes. Now, while the Chickasaw nation possesses a territory containing about five million acres—over twelve hundred acres to each man, woman, and child—there is no way provided by which a clear title to one foot of land can be conveyed to any individual or association.

The treaty provides, article seventeen, that the possession of six hundred and forty acres of land shall be confirmed to each "religious denomination," which, with the consent of the Indians, has or shall erect building for missionary purposes. At present it is exceedingly doubtful whether the Indians, in their anxiety to have the freedmen remove from the Territory, would consent to the erection of buildings devoted to the education of the freedmen or of Indian and colored youth impartially. Not much can be accomplished without further legislation by Congress, because, under the treaty, the United States courts are practically subordinate to the Indian courts. (See sec. 8, art. 8: "*Provided*, That the same (United States courts) shall not interfere with the local judiciary of said nations.") As bearing on this question I respectfully invite attention to the following extract from report of the Commissioner of Indian Affairs for 1868. I omit the rose-colored and imaginative description of the Choctaws and Chickasaws, found on pages 16, 17, and 18, and refer to the report of M. W. Chollar, agent for the Choctaws and Chickasaws, as follows:

These freedmen are by far the most intelligent and self-reliant of any of their race that have come under my observation, and were they to have a fair chance in life would solve the problem of their capacity for self-government. They have been waiting patiently the action of the government in their behalf, and have at last become uneasy and dissatisfied. They say: "You, as our agent, told us the government would take

care of us and give us homes if the Indians did not adopt us. We have waited for months, and your promise is unfulfilled. The Indians tell us the government will give them the money and compel us to live among them; if this be so, tell us." The unsettled condition of these freedmen has caused more or less trouble, in which quite a number of them have been killed, and in my judgment nothing but prompt action on the part of the government will prevent more serious difficulties and complications.

* * * * *

Yours, very respectfully,

S. N. CLARK,
Special Agent Bureau R. F. and A. L.

Official extract:

HENRY M. WHITTELSEY,
A. A. A. General.

Brevet Major General O. O. HOWARD,
Com'r Bureau R. F. and A. L., Washington, D. C.

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MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES
COMMUNICATING,

In compliance with a resolution of the Senate of February 15, 1870, information in relation to the iron-clad ships belonging to the navy of the United States.

MARCH 28, 1870.—Read, referred to the Committee on Naval Affairs and ordered to be printed.

To the Senate of the United States :

In answer to the resolution of the Senate of the 15th ultimo, I transmit a report, with accompanying papers, from the Secretary of the Navy, to whom the resolution was referred.

U. S. GRANT,

EXECUTIVE MANSION,
Washington, D. C., March 25, 1870.

NAVY DEPARTMENT,
Washington, March 22, 1870.

SIR: I have the honor to acknowledge the receipt of a copy of the resolution passed by the Senate on the 15th ultimo, requesting the President to communicate to the Senate "the number and character of the iron-clad ships belonging to the navy of the United States, what they have cost, by whom designed, by what officers of the navy their construction has been recommended, and what is their present condition," and in compliance with your instructions to report on the subject, to submit the accompanying statement embracing the information desired.

I am, with great respect, your obedient servant,

GEO. M. ROBESON,
Secretary of the Navy.

The PRESIDENT of the United States.

IRON-CLAD SHIPS OF THE NAVY.

Statement of the number and character of the iron-clad vessels belonging to the navy, what they have cost, by whom designed, who recommended their construction, and what is their present condition.

Name and class.*	By whom designed.	Construction.	Present condition.	Cost to January 1, 1870.
SEA-GOING MONITORS.				
Roanoke†		Wooden hull.	Requires repairs	\$1,087,238 69
Dictator	John Ericsson	Iron hull	At sea	1,424,363 59
Puritan	do	do	Incomplete	1,987,231 43
Colossus	Naval Constructor Delano	Wooden hull.	On the stocks	1,369,553 19
Oregon	do	do	do	1,354,470 29
Massachusetts	do	do	do	1,183,989 71
Nebraska	do	do	do	1,147,780 80
Miantonomoh	do	do	In commission	1,360,451 52
Amphitrite	Naval Constructor H. Hoover	do	Rep'd in good condi'on	1,157,993 58
Terror	Naval Const'r J. Hanscom	do	In commission	1,105,970 45
Monadnock	Naval Const'r W.L. Hanscom	do	Rep'd in good condi'on	1,005,054 09
HARBOR AND RIVER MONITORS.				
Winnebago	James B. Eads	Iron hull	Rep'd in good condi'on	394,268 57
Chickasaw	do	do	do	401,561 51
Keywaydin	do	do	do	401,929 93
Canonicus	John Ericsson	do	Ready for sea	683,291 33
Mahopac	do	do	Rep'd in good condi'on	716,491 82
Manhattan	do	do	do	705,649 56
Saugus	do	do	At sea	645,735 28
Wyandotte	do	do	Rep'd in good condi'on	639,575 18
Ajax	do	do	do	632,310 31
HARBOR AND RIVER MONITORS—PASSAIC CLASS.				
Passaic	John Ericsson	Iron hull	Requires repairs	454,186 04
Comanche	do	do	Rep'd in good condi'on	635,177 81
Jason	do	do	do	444,160 75
Lehigh	do	do	do	427,366 08
Montauk	do	do	do	424,461 57
Catskill	do	do	do	434,478 27
Nantucket	do	do	do	410,862 83
Nahant	do	do	do	418,606 59
LIGHT-DRAUGHT MONITORS.				
Yazoo	Chief Engineer Stimers	Iron hull	Rep'd in good condi'on	567,677 77
Niobe	do	do	do	593,556 29
Napa	do	do	do	514,715 69
Otsego	do	do	do	663,132 94
Umpqua	do	do	do	597,345 62
Klamath	do	do	do	605,527 28
Yuma	do	do	do	605,288 08
Minnetonka	do	do	do	517,397 30
Cohoes	do	do	do	599,811 53
Koka	do	do	do	547,248 01
Hero	do	do	do	539,379 81
Piscataqua	do	do	do	636,263 21
Etlah	do	do	do	591,797 44
Modoc	do	do	do	517,478 17
Nauset	do	do	do	580,970 98
Shawnee	do	do	do	592,504 15
Iris	do	do	do	591,415 53
Algoma	do	do	do	599,166 84
Suncook	do	do	do	596,098 40
Wassuc	do	do	do	573,924 49
RIVER IRON-CLADS, (WESTERN.)				
Osceola	James B. Eads	Iron hull	Rep'd in good condi'on.	200,757 67
Marietta	Tomlinson, Hartupée & Co.	do	do	242,732 58
Sandusky	do	do	do	242,663 57

RECAPITULATION.

Total for sea-going monitors	\$14,184,097 34
Total for harbor and river monitors	8,870,113 43
Total for light-draught monitors	11,630,699 53
Total for river iron-clads, (western)	686,153 81

Total cost of iron-clad vessels now in the navy. 35,371,064 11

* These iron-clad vessels are all of the monitor class, which was adopted by a board of officers appointed by Congress, and all these vessels are of the same character.

† Altered from a sailing frigate, designed by the Bureau of Construction.

LETTER

FROM THE

SECRETARY OF THE TREASURY

TRANSMITTING,

In compliance with a resolution of the Senate of the 7th instant, information in relation to the present condition of, and expenditures upon, the custom-house at New Orleans, and the amount of appropriation required to complete the same.

MARCH 29, 1870.—Referred to the Committee on Commerce and ordered to be printed.

TREASURY DEPARTMENT, *March 25, 1870.*

SIR: I have the honor to acknowledge the receipt of the following Senate resolution, dated March 7, 1870, viz:

Resolved, That the Secretary of the Treasury be directed to report to the Senate the present condition of the custom-house at New Orleans, Louisiana; the amount already expended upon it; what federal or other officers are kept therein; the amount of room occupied and unoccupied; the probable amount requisite to complete the same according to the original plan; and also what amount is necessary to be immediately appropriated to put the roof and the rooms now occupied in suitable condition.

In reply thereto I enclose herewith a report from the supervising architect on the subject, which it is believed contains all the information called for by the resolution.

Very respectfully,

GEO. S. BOUTWELL,
Secretary.

TREASURY DEPARTMENT,
OFFICE OF SUPERVISING ARCHITECT,
March 24, 1870.

SIR: In accordance with your instructions, I have the honor to submit the following report on "the present condition of the custom-house at New Orleans; the amount already expended upon it; what federal or other officers are kept therein; the amount of room occupied and unoccupied; the probable amount requisite to complete the same according to the original plan; and also what amount is necessary to be immediately appropriated to put the roof and the rooms now occupied in suitable condition;" and my recommendations in regard thereto:

As regards the condition of the building, I have to say that, from the best information in possession of this office, it appears that the exterior granite work is completed up to the architrave of the cornice, with the exception of some eight hundred superficial feet of wall on the old Levee street front; the brick masonry finished up to the third story, and some of the walls on the fourth story partially built. The entire building re-

quires plastering. No permanent floors are laid or finishing work put up; all of the work done to make the various rooms habitable being of a temporary character. In fact, the building may be described as an unfinished shell, temporarily covered with a worthless roof, and some of its apartments provided with rough floors, doors, and windows, to admit of their temporary occupation.

There has been expended on the building, for the purpose of actual construction, \$2,929,264 50, and \$55,563 35 since the suspension of operations, for temporary fitting, roof, &c., and for repairs, making a total of \$2,984,827 85 expended on the building to date.

There are now accommodated in the building the officers of the customs, internal revenue, post office, and United States courts. These officers have rooms on the first, second, and third floors, and occupy less than one-half the area of the floor space afforded in the building.

The estimated amount requisite to complete the building in accordance with the original design is \$2,078,926 06. This estimate is predicated on the best information in possession of this office regarding the condition of the building in all its details, and is considered sufficiently full. An absolutely correct estimate cannot, however, be made without making a careful survey of the building, which shall embrace correct measurements of all the parts and details remaining unfinished, and a correct schedule of all material on the ground ready for use.

The amount absolutely necessary to put the building in proper condition to resist the action of the elements, by renewing the roof and completing the work coming in contact with it, is \$499,532 33, \$286,874 33 of this amount being to complete granite cornice and walls. To complete three floors \$376,709 64 additional to the above will be required—making, in all, the sum of \$876,241 97 to complete the roof and three floors, according to a modified plan, which I would respectfully recommend, and which embraces putting on of a timber roof covered with copper at the level of the fourth floor, and roofing the general business room at the level of the cornice in similar manner; light and ventilation to be had from openings to be constructed over the present doorways and from sky-lights formed in the coffers of the ceiling. As this wooden roof shall be separated from the rooms below by the double brick-arched floor of the fourth story, it could be destroyed by fire without great injury being done to the apartments below. The exterior openings of the building I propose to finish with wooden sash and frames, and the interior openings with wooden doors, sash, and frames. The entire building will be heated and ventilated, and can be put in complete repair and finished throughout in a substantial and thorough manner, embracing three floors as above described, and for the sum named. \$257,876 33 could be saved by making a temporary cornice of galvanized iron; but I cannot recommend such material, and its use might subject the government to claims from former contractors, as a great portion of the work has been cut, and some of it delivered.

Very respectfully,

A. B. MULLETT,
Supervising Architect.

Hon. GEO. S. BOUTWELL,
Secretary of the Treasury.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES

COMMUNICATING

The proclamation of the Secretary of State of the ratification of the fifteenth amendment to the Constitution of the United States, and recommending the adoption of means to promote education throughout the country.

MARCH 30, 1870.—Read, ordered to lie on the table, and be printed.

To the Senate and House of Representatives :

It is unusual to notify the two houses of Congress, by message, of the promulgation, by proclamation of the Secretary of State, of the ratification of a constitutional amendment. In view, however, of the vast importance of the fifteenth amendment to the Constitution, this day declared a part of that revered instrument, I deem a departure from the usual custom justifiable. A measure which makes at once four millions of people voters, who were heretofore declared by the highest tribunal in the land not citizens of the United States, nor eligible to become so, (with the assertion that, "at the time of the Declaration of Independence, the opinion was fixed and universal in the civilized portion of the white race, regarded as an axiom in morals as well as in politics, that black men had no rights which the white man was bound to respect,") is indeed a measure of grander importance than any other one act of the kind from the foundation of our free government to the present day.

Institutions like ours, in which all power is derived directly from the people, must depend mainly upon their intelligence, patriotism, and industry. I call the attention, therefore, of the newly-enfranchised race to the importance of their striving in every honorable manner to make themselves worthy of their new privilege. To the race more favored heretofore by our laws I would say, withhold no legal privilege of advancement to the new citizen. The framers of our Constitution firmly believed that a republican government could not endure without intelligence and education generally diffused among the people. The "father of his country," in his farewell address, uses this language: "Promote, then, as a matter of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of the government gives force to public opinion, it is essential that public opinion should be enlightened." In his first annual message to Congress the same views are forcibly presented, and are again urged in his eighth message.

I repeat that the adoption of the fifteenth amendment to the Constitution completes the greatest civil change, and constitutes the most important event, that has occurred since the nation came into life. The

2 PROCLAMATION OF RATIFICATION OF XVTH AMENDMENT.

change will be beneficial in proportion to the heed that is given to the urgent recommendations of Washington. If these recommendations were important then, with a population of but a few millions, how much more important now, with a population of forty millions, and increasing in a rapid ratio.

I would therefore call upon Congress to take all the means within their constitutional powers to promote and encourage popular education throughout the country; and upon the people everywhere to see to it that all who possess and exercise political rights shall have the opportunity to acquire the knowledge which will make their share in the government a blessing and not a danger. By such means only can the benefits contemplated by this amendment to the Constitution be secured.

U. S. GRANT.

EXECUTIVE MANSION, *March 30, 1870.*

HAMILTON FISH, SECRETARY OF STATE OF THE UNITED STATES,

To all to whom these presents may come, greeting :

Know ye that the Congress of the United States, on or about the twenty-seventh day of February, in the year one thousand eight hundred and sixty-nine, passed a resolution in the words and figures following, to wit :

A RESOLUTION proposing an amendment to the Constitution of the United States.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both houses concurring,) That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as part of the Constitution, namely :

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

And further, that it appears, from official documents on file in this department, that the amendment to the Constitution of the United States, proposed as aforesaid, has been ratified by the legislatures of the States of North Carolina, West Virginia, Massachusetts, Wisconsin, Maine, Louisiana, Michigan, South Carolina, Pennsylvania, Arkansas, Connecticut, Florida, Illinois, Indiana, New York, New Hampshire, Nevada, Vermont, Virginia, Alabama, Missouri, Mississippi, Ohio, Iowa, Kansas, Minnesota, Rhode Island, Nebraska, and Texas; in all, twenty-nine States;

And further, that the States whose legislatures have so ratified the said proposed amendment constitute three-fourths of the whole number of States in the United States;

And further, that it appears, from an official document on file in this department, that the legislature of the State of New York has since passed resolutions claiming to withdraw the said ratification of the said amendment, which had been made by the legislature of that State, and of which official notice had been filed in this department;

And further, that it appears, from an official document on file in this

department, that the legislature of Georgia has by resolution ratified the said proposed amendment;

Now, therefore, be it known that I, Hamilton Fish, Secretary of State of the United States, by virtue and in pursuance of the second section of the act of Congress, approved the twentieth day of April, in the year eighteen hundred and eighteen, entitled "An act to provide for the publication of the laws of the United States, and for other purposes," do hereby certify that the amendment aforesaid has become valid, to all intents and purposes, as part of the Constitution of the United States.

In testimony whereof, I have hereunto set my hand and caused the seal of the Department of State to be affixed. Done at the city of Washington this thirtieth day of March, in the year of our Lord one thousand eight hundred and seventy, and of the independence of the United States the ninety-fourth.

[L. S.]

HAMILTON FISH.

O

LETTER
OF THE
SECRETARY OF THE INTERIOR
COMMUNICATING,

In compliance with a resolution of the 28th instant, copies of two reports made by the Northern Pacific Railroad Company, dated, respectively, October 9, 1867, and October 24, 1868.

MARCH 30, 1870.—Ordered to lie on the table and be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 30, 1870.

SIR: In compliance with the resolution adopted on the 28th instant, requesting the Secretary of the Interior "to furnish to the Senate copies of all reports made by the Northern Pacific Railroad Company and on file in the Department of the Interior," I have the honor to transmit herewith copies of two reports filed by said company, dated respectively October 9, 1867, and October 24, 1868.

I am, sir, very respectfully, your obedient servant,

J. D. COX,
Secretary.

Hon. SCHUYLER COLFAX,
Vice-President of the United States
and President of the Senate.

ST. ALBANS, VERMONT,
October 9, 1867.

SIR: I have the honor to submit the following report in relation to the Northern Pacific railroad:

Since the date of the last report several changes have been made in the board of directors of the company. The board, as now constituted, is as follows, viz:

J. Gregory Smith, St. Albans, Vermont, president.
Richard D. Rice, Augusta, Maine.
Benjamin P. Cheney, Boston, Massachusetts.
James C. Converse, Boston, Massachusetts.
Onslow Stearns, Concord, New Hampshire.
William B. Ogden, Chicago, Illinois.
J. Edgar Thomson, Philadelphia, Pennsylvania.
George W. Cass, Pittsburg, Pennsylvania.
Robert H. Berdell, New York.
William G. Fargo, Buffalo, New York.

Thomas H. Canfield, Burlington, Vermont.

Philander Reed, New York.

L. D. M. Swett, Portland, Maine.

After the reorganization of the board, arrangements were perfected for commencing the survey of the route. Edwin F. Johnson, esq., of Middletown, Connecticut, was employed as engineer-in-chief, and was instructed to organize four parties, and put them into the field at once: two to work from Lake Superior west, and two from the Pacific coast east. The two parties on the eastern division were placed under the charge of General Ira S. Spaulding, of Utica, New York.

They commenced the work at Superior City and at Bayfield, running west. Reports have been made from time to time to the engineer-in-chief, and at last accounts the party had nearly reached the Red River. Explorations of the route have been made as far west as Breckenridge, on the Red River, to which point the surveys are tending. Very satisfactory accounts are given of the country through which the road will pass, and a very feasible route is found.

The two parties on the western division were placed under the general charge of General James Tilton, of Wilmington, Delaware, formerly surveyor general of Washington Territory.

By the last reports received from him, thorough explorations had been made of various passes through the Cascade Mountains, and a very feasible route had been found. The route from Portland, Oregon, had also been examined, and no difficulties found to exist in reaching a point of junction with the main line within the limits prescribed by the charter.

So far as the reports from the two engineers in charge have been received, they show that an extremely favorable route can be found, and that the leading characteristics of the country, both as to its mineral wealth and its value for agricultural purposes, are such as fully justify the directors in their opinion as to the importance of an early construction of the road.

The parties will continue in the field so long as the weather permits.

Detailed reports will soon be made of the work, so far as it has progressed, accompanied by proper maps and profiles, to which your department can at all times have reference, if it should be desired.

I am, sir, very respectfully, your obedient servant,

J. GREGORY SMITH,

President Northern Pacific Railroad Company.

Hon. O. H. BROWING,

Secretary of the Interior, Washington, D. C.

ST. ALBANS, VT., October 24, 1868.

SIR: I have the honor to submit the following report of the transactions of the Northern Pacific Railroad Company for the past year.

In the spring of 1867 the engineer-in-chief, Edwin F. Johnson, esq., was instructed to organize a corps of engineers and commence the surveys of the road. Two divisions were organized; the eastern or Minnesota division, extending from Lake Superior west, was placed in charge of General Ira Spaulding, and the Pacific or Washington division in charge of General James Tilton. The surveys were commenced in July, 1867, and were continued till mid-winter, when, in consequence of the inclemency of the weather, they were suspended. Nearly six hun-

dred miles were surveyed on the eastern division, and explorations were made in Dakota Territory as far as the Great Bend of the Cheyenne River.

A vast belt of country has been examined and much valuable information obtained in relation to the country through which the line will pass. The views of the engineer-in-chief, heretofore given to the board of directors, as to the favorable character of the country for railway construction and operation, the value of the lands for agricultural purposes, and the availability and capacity of the harbors on Lake Superior, have been fully sustained by these surveys.

The table land south and west of Lake Superior will be attained with grades not exceeding a maximum of forty feet per mile; and it is probable that on a careful location this maximum may be reduced to thirty feet per mile, without unreasonable cost.

On the western or Pacific division most satisfactory results have been attained. The doubts which have hitherto been entertained as to the passes through the Cascade or Coast Range of mountains have been removed, and it is now ascertained that a favorable line can be found through either of three of the principal passes, and with admissible grades. The surveys have not been continued the past season for lack of a military escort, which it was found impracticable to obtain, and without which surveying parties could not be kept in the field.

The following report of the engineer-in-chief will show the progress made by the several parties in the field, and the general characteristics of the route surveyed:

SIR: In response to the request for a statement relative to surveys made and work done by the engineer department of the Northern Pacific Railroad Company, I have the honor to state: That two of the principal divisions of the road were organized in June of last year under my supervision. General Ira Spaulding was placed in charge of the Minnesota division, from Lake Superior to the Dakota line, and General James Tilton of the Pacific or Washington division, including the Territory of Washington and State of Oregon.

The remoteness of the latter division prevented operations in the field being commenced upon it before some time in August next following.

Upon the Minnesota division they were commenced early in July. The surveys thus far made have been confined principally to these two divisions.

Upon the former division (the Minnesota) two separate lines have been run from Lake Superior to the Red River, or to the east line of Dakota. These lines proceeded from different points on Lake Superior. One had its commencement or terminus at Superior Harbor at the western extremity of the lake. From thence its course was westerly, crossing the Mississippi River near the French Rapids, about twelve miles above Crow Wing, thence to the south of and near to the Ottertail Lake, and, pursuing the same general course, intersected the Red River at a point between Fort Abercrombie and the mouth of the Sioux Wood River.

The other or South line was commenced at Bayfield, opposite the Apostle Islands, about sixty miles to the east of Superior City, and from thence it pursued a south-westerly course for fourteen miles to Pleasant Bay, which is near the head and within the limits of the larger Chequamegon Bay, thence its course was westerly to a point where a branch connection can conveniently be formed with Superior, the latter distant eighteen miles.

From thence its course was direct to the Mississippi, crossing that river at St. Cloud, near the Sauk Rapids. From St. Cloud its course was northwesterly along the Sauk Valley, passing Sauk Center, and near to Alexandria and Lightning Lake to the Sioux Wood River, a little above or to the south of where that river joins the Ottertail River to form the Red River. Both of the lines described have such a direction on approaching the Red or Sioux Wood Rivers that, when continued westerly, they will pass to the south of and near to the Cheyenne River in Dakota. From the crossings of the Sioux Wood and Red Rivers there is a natural navigation by the latter northward into the British possessions for river steamers. The Mississippi is also navigable for some distance each way from the two points of crossing.

It is the policy of the Company to maintain the highest standard of service to its patrons, and to this end it is constantly endeavoring to improve its equipment and its methods of operation. The Company's equipment is the best of its kind, and its methods of operation are the most efficient. The Company's service is the most prompt and reliable, and its rates are the most reasonable. The Company's policy is to maintain the highest standard of service to its patrons, and to this end it is constantly endeavoring to improve its equipment and its methods of operation.

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LETTER
OF
THE SECRETARY OF THE INTERIOR

TRANSMITTING

A communication from the Commissioner of Indian Affairs, with a supplemental report of the commissioners appointed in accordance with the Senate amendment of the 13th article of the treaty of 23d of February, 1867, embracing the claims of the Wyandott Indians.

APRIL 1, 1870.—Referred to the Committee on Indian Affairs.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 1, 1870.

SIR: I have the honor herewith to communicate to Congress a copy of a letter, dated the 29th ultimo, from the Commissioner of Indian Affairs, with the accompanying supplemental report of the commissioners appointed in accordance with the Senate amendment of the 13th article of the treaty of 23d February, 1867, embracing the claims of the Wyandott Indians.

Very respectfully, your obedient servant,

J. D. COX,
Secretary.

HON. SCHUYLER COLFAX,
President of the Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 29, 1870.

SIR: I acknowledge the receipt of your communication of the 8th of December, 1869, returning the supplemental report of the commissioners appointed in accordance with the Senate amendment of the 13th article of the treaty of February 23, 1867, embracing the claims of the Wyandott Indians, under the 7th item of Schedule A in said treaty; together with the claims and other papers relating thereto; and directing "that two copies thereof may be prepared and inclosed to the department, to be submitted to Congress in accordance with the requirements of the amendments referred to."

In accordance with this request, I have the honor to transmit herewith two copies of the said claims, and of the report accompanying the same, being all the "papers" supposed necessary to submit to Congress.

It appears by the records of this office that its former report of the

Wyandott commissioners, covering the other claims under said treaty, was transmitted to you on the 3d day of March, 1869.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

Hon. J. D. COX,
Secretary of the Interior.

SUPPLEMENTAL REPORT.

WASHINGTON, D. C., April 30, 1869.

SIR: The commissioners appointed in accordance with the Senate's amendment of the 13th article of the treaty of February 23, 1867, "to ascertain and report the amount of money, if any, due by the United States to the Wyandott Indians," on receiving your instructions of the 17th ultimo, to repair to Kansas and there investigate the claims of the Wyandott Indians included under the 7th item of Schedule A of the said treaty, at once proceeded thither, and having completed the investigation, have the honor respectfully to present the following report, supplemental to their report made on the 2d of March, 1869.

These claims, under item 7 of Schedule A, are individual claims for losses by depredations committed at sundry times between the years 1846 and 1862, sixty-four in number, amounting in the aggregate to thirty-four thousand three hundred and forty-two dollars and fifty cents, and based on the act of Congress of the 30th of June, 1834, (see Statutes at Large, vol. 4,) in regard to trade and intercourse with the Indian tribes.

By the treaty of January 31, 1855, (see Statutes at Large, vol. 10,) all the Wyandotts deemed capable of managing their own affairs were termed *competents*, and were constituted citizens of the United States, and entitled to all the rights and privileges thereof. All others were termed *incompetents*, including orphans, and adults incapable of taking care of themselves by reason of intemperate habits or natural incapacity. After careful consideration, we decided to reject all claims of the former class after they became citizens, and of the incompetent class after the close of the "border ruffian" depredations, July 1, 1857. Under these two rulings, we proceeded to investigate all the claims intrusted to us that came within the proper dates. We summoned and examined witnesses under oath in respect to the several items of loss in each declaration, the circumstances of the case, and the character of the depredations, and indorsed the substance of the testimony upon each claim, with the amount of loss allowed. These claims are herewith returned, marked "A," and indorsed "claims allowed," and numbered from one to twenty-four, amounting to \$6,293 50.

The claims rejected entire are also herewith returned, marked "B," and indorsed "claims rejected."

The duties of the commission are herewith closed.

All of which is respectfully submitted.

JULIUS A. FAY,
JAMES P. TAYLOR,
Commissioners.

Hon. ELI S. PARKER,
Commissioner of Indian Affairs.

A.—CLAIMS ALLOWED.

[\$920.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Robert Robitaille, being sworn, says he is a member of the late tribe of Wyandott Indians; that there was stolen from him by persons unknown (1) in October, 1849, one filly, one and a-half years old, worth \$50; in October, 1857, one bull, of dun and white color, six years old, worth \$30; in September, 1857, one boar, two years old, worth \$10; (2) in July, 1849, one dun pony, four years old, worth \$50; (3) in November, 1850, one black ox, six years old, worth \$45; (4) in May, 1867, one Durham bull, five years old, worth \$75; on the 2d day of September, 1857, one valuable strawberry roan mare, seven years old, worth \$125; in February, 1857, valuable bay horse, eight years old, worth \$125; in April, 1858, one fine mare, seven years old, worth \$130; in November, 1858, one black spotted ox, three years old, worth \$30; in October and November, 1858, four head large hogs, worth \$15 each, \$60; at the same time, ten hogs, worth \$12 50 each, \$125; at same time, six hogs, worth \$7 50 each, \$45; in July, 1858, one red steer, two and one-half years old, worth \$20—in all, \$920. And affiant further says he never recovered any of the above described property, nor received any compensation therefor.

ROBERT ROBITAILLE.

Sworn to and subscribed before me, this 30th day of November, 1861.

JAS. B. ABBOTT,
*United States Indian Agent.*SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Elizabeth Robitaille, being sworn, says that she is well acquainted with the within-named affiant, Robert Robitaille, and having had his affidavit carefully read, says she knows him to have been the owner of the property therein described, about the times it is therein stated to have been stolen, and that it was of the value stated by the said affiant, and was stolen as stated by him, as she verily believes.

ELIZABETH ROBITAILLE.

Sworn to and subscribed before me, this 30th day of November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[Indorsement.]

No. 1.—F 40.

Elizabeth Robitaille, being sworn, testifies to the truth of the within declaration, and that *white* men only were known to be committing depredations at the time in the neighborhood.

The items marked 1, 2, 3, 4, amounting to \$170, allowed.

WYANDOTT, April 2, 1869.

JULIUS A. FAY,
JAMES. P. TAYLOR,
Commissioners.

[\$85.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Mary A. Muntun, being first duly sworn, deposes that she is a Wyandott Indian, and that in the month of May, A. D. 1857, there was stolen from her by some person or persons unknown, (1) one black and

white cow and calf, worth \$30; (2) one red cow and her calf, worth \$30; both of said cows five years old in August, A. D. 1859; there was stolen from this affiant one side-saddle, one bridle, worth \$25; that said property was stolen, and this affiant has no knowledge by whom or when it went, nor has this affiant been able to recover any of said property, nor has she ever received anything in compensation for the same or any part thereof; all of the above property of the value of \$85.

MARY A. ^{her}+ MUNTUN.
mark.

STATE OF KANSAS, *Wyandott*, ss :

At Wyandott, this 18th day of November, A. D. 1861, the foregoing affidavit subscribed in my presence and sworn to before me.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY :

Catharine Johnson, being first duly sworn, deposes that she is a Wyandott Indian, and is acquainted with Mary A. Muntun, whose affidavit on this day has been carefully read to affiant, and this affiant deposeth there was stolen from said Mary A. Muntun the articles of property named in her affidavit, at the times therein stated, and the said articles were of the value stated in the said affidavit aforesaid.

CATHERINE ^{her}+ JOHNSON.
mark.

Sworn to and subscribed in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[Indorsement.]

No. 2—F. 40.

Catherine Johnson, being sworn, testifies to the truth of the within declaration, and that white men *only* were known to be committing depredations at the time in the neighborhood.

The items marked 1, 2, amounting to \$60, allowed.

JULIUS A. FAY,
JAMES P. TAYLOR,
Commissioners.

WYANDOTT, KANSAS, *April 3, 1869.*

[§405.]

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Henry Clay Long, being sworn, says he is a Wyandott Indian; that there was stolen from him, by persons unknown, on the 5th day of July, 1858, one extra fine brown-colored mule, four years old, worth \$200; (1) in September, 1854, one iron-gray-colored pony, four years old, worth \$75; in December, 1858, one brown heifer, three years old, worth \$12; in April, 1859, one red steer, two years old, worth \$10; in July, 1861, one yearling calf, worth \$10; in September, 1856, eight hogs, worth \$2 50

each, \$20; in December, 1858, five hogs, worth \$10 each, \$50; in December, 1860, eight hogs, worth \$3 50 each, \$28—in all \$405; and affiant further says that he never recovered any of said property nor received compensation for any part thereof.

HENRY CLAY LONG.

Sworn and subscribed before me this 13th day of December, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Edward Vedder, being sworn, says he is acquainted with Henry Clay Long, the above-named affiant, and having heard his affidavit read, he knows the statements therein contained are true; that the said affiant was the owner of the property therein enumerated, and that it was of the value stated, except the "iron-gray-colored pony, four years old, worth \$75," about which he knows nothing.

EDWIN T. VEDDER.

Sworn to and subscribed before me this 13th day of December, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Isaac Z. Long, being sworn, says he is acquainted with Henry Clay Long, the within-named affiant, and that he knows the said affiant was the owner, in September, 1854, of one iron-gray pony, four years old, worth \$75, and that it was stolen from said Henry Clay Long about the month of September, 1854, as he verily believes.

I. Z. LONG.

Sworn to and subscribed before me this 13th day of December, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[Indorsement.]

No. 3—F 40.

James M. Long, being sworn, testifies to the truth of the within declaration, and that *white men only* were known to be committing depredations at the time in the neighborhood.

The item marked 1, amounting to \$75, allowed.

JULIUS A. FAY,
JAMES P. TAYLOR,
Commissioners.

WYANDOTT, KANSAS, *April 5, 1869.*

[§810.]

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Matilda Hicks, being first duly sworn, says that she is a Wyandott Indian; that in the month of March, A. D. 1859, she had stolen from her one brown mare, eight years old, worth \$60; (1) in the month of October, A. D. 1854, she had stolen from her fifteen fattening hogs worth \$6 each, in all \$90; in November, A. D. 1857, she had stolen from her fifteen hogs worth \$5 each, in all \$75; in October, A. D. 1858, she had stolen

from her thirty hogs worth \$5 each, in all \$150; in September, A. D. 1858, she had stolen one fine six-year-old horse worth \$125; in the summer of 1860 she had stolen from her one fine four-year-old horse worth \$125, one black very fine horse, four years old, worth \$125, also three bay yearling colts worth \$20 each, in all worth \$60; all of said horses and hogs were stolen by persons unknown to affiant, and affiant has never heard or seen anything of either of them since the time stated above as their having been stolen. Affiant has never received any compensation for either or any of horses or hogs. The entire value of said stock was \$810.

MATILDA ^{her} + HICKS.
mark.

Sworn to before me and subscribed to in my presence this 19th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Sarah Driver, being first duly sworn, says that she is a Wyandott Indian; that she is acquainted with the foregoing affiant, Matilda Hicks; that the foregoing affidavit of said Matilda Hicks has been carefully read to affiant and its contents made known to her; that she knows that the said Matilda Hicks was the owner of said brown mare, and fifteen fattening hogs, and fifteen hogs, thirty hogs, fine six-year old horse, fine four-year old horse, black horse, and three bay colts, at the times and as stated in said Matilda Hicks's affidavit. Affiant further says that said horses and hogs were stolen from said Matilda Hicks as stated in her said affidavit, and that the entire stock was worth \$810.

SARAH DRIVER.

Sworn to before me and subscribed to in my presence this 19th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[Indorsement.]

No. 4—F. 40.

Sarah Driver, being sworn, testifies to the truth of the within declaration, and that white men *only* were known to be committing depredations in the neighborhood at the time.

The item marked 1, amounting to \$90, allowed.

JULIUS A. FAY,
JAMES P. TAYLOR,
Commissioners.

WYANDOTT, KANSAS, *April 5, 1869.*

[\$277.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Lucy B. Armstrong, being first duly sworn, says that she is a Wyandott Indian; that in the month of June, A. D. 1857, she had stolen from her one dark-red cow, three years old, worth \$25, and one yearling steer (red) worth \$10; (1) in the month of December, A. D. 1852, she had stolen from her ten head of hogs worth \$5 each, in all \$50; in the month

of December, A. D. 1856, she had stolen from her twenty head of hogs, worth \$5 each, in all \$100; in the month of November, A. D. 1858, she had stolen from her five hogs, worth \$5 each, in all worth \$25; in the month of February, A. D. 1859, she had stolen from her five hogs, worth \$5 each, in all worth \$25; in the month of December, A. D. 1860, she had stolen from her one hog worth \$10; in the month of February, A. D. 1861, she had stolen from her two hogs, worth \$4 each, in all \$8; in the month of December, A. D. 1857, she had stolen from her twelve head of sheep, worth \$2 each, in all \$24. Affiant says that all of said stock was stolen from affiant about the times above stated in this affidavit, and all taken by persons unknown to affiant, and affiant has not seen or heard from any of said stock since the times stated in this affidavit as their having been stolen. Affiant further says that she has never received any compensation for any of said stock. The whole value of said stock was \$277.

LUCY A. ARMSTRONG.

Sworn to before me and subscribed to in my presence this 13th day of December, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Isaac R. Zane, being first duly sworn, says that he is a Wyandott Indian; that he is acquainted with Lucy B. Armstrong, the foregoing deponent; that the foregoing affidavit of said Lucy B. Armstrong has been carefully read in this affiant's hearing. Affiant further says that the said Lucy B. Armstrong was known by affiant to be the owner of said dark-red cow, yearling steer, ten head of hogs, twenty head of hogs, five head of hogs, five hogs, one hog, two hogs, and said twelve head of sheep at the time and as stated in said Lucy B. Armstrong's affidavit, and that all of said stock was worth \$277 as stated in said Lucy B. Armstrong's affidavit. Affiant further saith that all of said stock was stolen from said Lucy B. Armstrong, as stated in her said affidavit, as this affiant verily believes.

I. R. ZANE.

Sworn to before me and subscribed to in my presence this 14th day of December, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[Indorsement.]

No. 5—F. 40.

I. R. Zane, being duly sworn, testifies to the truth of the within declaration, and that white men *only* were known to be committing depredations in the neighborhood at the time.

The item marked 1, amounting to \$50, allowed.

JULIUS A. FAY,
JAMES P. TAYLOR,
Commissioners.

WYANDOTT, KANSAS, *April 6, 1869.*

[\$1,657.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Mary Kayraboo, sr., being sworn, says she is a Wyandott Indian; that

there was stolen from her by persons unknown to her, in November, 1857, one black mare, seven years old, worth \$80; at same time, one black colt with white face, three years old, worth \$50, and at same time, one cream-colored colt, one year old, worth \$20; in May, 1857, one red horse with red mane, six years old, worth \$100; in May, 1859, one iron-gray horse, five years old, worth \$80; in April, 1858, one red mare with black mane, four years old, worth \$60; in December, 1860, one bay horse with black mane and "glass eyes," seven years old, worth \$120; in April, 1859, one red mare, eight years old, worth \$80; at same time, one bay colt, three years old, worth \$50; at same time, one sorrel colt, two years old, worth \$30; in October, 1858, one large bay mare, six years old, worth \$100; at same time, one bay horse colt, three years old, with star in forehead, worth \$60; at same time, one dark gray colt, two years old, worth \$30; (1) in September, 1846, one side-saddle, worth \$25, (2) and bridle worth \$3, of which she was robbed by one white woman and two white men, names and residence unknown; in October, 1854, (3) one red cow with white face, six years old, worth \$25; at the same time, (4) one red and white heifer, three years old, worth \$20; at same time, one (5) red heifer, one year old, worth \$8; in April, 1858, one dark, brindle white-faced cow, four years old, worth \$20; at same time, one calf, one year old, worth \$8; in November, 1860, one black cow, four years old, worth \$25; at same time, one red calf, one and a half years old, worth \$12; in October, 1857, one red steer, two years old, worth \$15; in the spring and summer of 1857, one red steer, with white face, three years old, worth \$25, one black and white steer, four years old, worth \$25, one red barren heifer, three years old, worth \$25, one red heifer, with white ear, three years old, worth \$25, one red steer, with white spots around the eyes, two years old, worth \$15; in October, 1858, seven sows, worth \$8 each, and sixty-three shoats, worth \$5 each, and about two weeks after them seven sows, worth \$8 dollars each, and forty-two pigs, about eight months old, worth \$3 each, in all \$1,672. Deponent says her horse, beasts, cattle, and hogs were in their usual range, and she believes the most of her cattle and all her hogs were slaughtered by white men in Muncietown and sold to the people of Wyandott City, and that on one occasion she saw the hide of one of her cattle, but was never able to obtain any redress, nor has she ever recovered any of the above-described property, nor received any compensation therefor.

her
MARY + KARAYBOO, SR.
mark.

Sworn and subscribed before me this 19th day of November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Mary Kayraboo, third, being sworn, says she is acquainted with Mary Kayraboo, sr., the above-named affiant, and having heard the above affidavit read, she knows the statements therein made are true; that the said Mary Kayraboo, sr., was the owner of the property enumerated about the times of its disappearance; that it was of the value above given, and that it was stolen as therein set forth to the best of her knowledge and belief.

her
MARY + KARAYBOO.
mark.

Sworn and subscribed before me this 19th day of November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[Indorsement.]

No. 6—F. 40.

John Kayraboo, being sworn, testifies to the truth of the within declaration, and that white men only were known to be committing depredations in the neighborhood at the time.

The items marked 1, 2, 3, 4, 5, amounting to \$81, are allowed.

JULIUS A. FAY,
JAMES P. TAYLOR,
Commissioners.

WYANDOTT, April 9, 1869.

[\$591.]

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Mary Coon, being sworn, says she is a Wyandott Indian, and that there was stolen from her in October, 1856 (1) one gray mare, four years old, worth \$70, and in the same month and year (2) one gray horse, with white mane, four years old, worth \$100, together with (3) one side-saddle and bridle, worth \$30; in August, 1858, one black horse, four years old, worth \$75; in January, 1859, one iron-gray horse, two years old, worth \$55; in November, 1858, one red horse with black mane, three years old, worth \$90; in the same month and year, one red mare, with white mane, four years old, worth \$60; in August, 1857, one black horse, two years old, worth \$30; (4) in January, 1857, one red cow, five years old, and calf, worth \$33; and in October, 1857, eight hogs, worth \$6 each; all of which property belonged to affiant, except the black horse, two years old, worth \$30, and the red mare with white mane, worth \$60, which belonged to her mother, Sarah Coon, deceased; in all \$591. And deponent further says the above property was stolen by persons unknown to her, and she has never recovered nor received any compensation for any part of it.

MARY ^{her} + COON.
mark.

Sworn to and subscribed before me this 19th day of November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas*, ss :

Mary Kayraboo, sr., being sworn, says she is acquainted with Mary Coon, the above-named affiant, and that she knows her to have been the owner of the property described in her affidavit, and that it was of the value therein stated, and was stolen as therein stated, as she verily believes.

MARY ^{her} + KAYRABOO.
mark.

Sworn to before me and subscribed in my presence this 19th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[Indorsement.]

No. 7—F. 40.

Mary Kayraboo being sworn, testifies to the truth of the within declaration, and that white men only were known to be committing depredations in the neighborhood at the time.

The items marked 1, 2, 3, and 4, amounting to \$233, are allowed.

JULIUS A. FAY,
JAMES P. TAYLOR,
Commissioners.

WYANDOTT, KANSAS, *April 7, 1869.*

[\$365.]

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas :*

Catharine Grayeyes, being first duly sworn, says that she is a Wyandott Indian; that in the month of May, A. D. 1847, she had stolen from her (1) one white horse, eight years old, worth \$100; also, (2) one chestnut sorrel mare, six years old, worth \$100; said horses supposed to be stolen by Oregon emigrants; in the month of September, A. D. 1856, she had stolen from her one sorrel mare, four years old, worth \$50, and one black mare, four years old, worth \$50; in the month of April, A. D. 1858, she had stolen from her one sorrel mare, nine years old, worth \$65. Affiant says that all of said horses were stolen from affiant at the times and as stated in this affidavit, and all taken by persons unknown to affiant except as above stated; and affiant further says that she has not seen or heard from any of said horses since the time set forth in this affidavit as the time they were taken or stolen. Affiant further states that she has not received at any time any compensation for any of said horses. The whole value of said horses was \$365.

CATHARINE ^{her} + GREY EYES.
mark.

Sworn to before me and subscribed to in my presence this 14th day of December, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas :*

Mary Walker, being first duly sworn, says she is a Wyandott Indian; that she is acquainted with the foregoing affiant, Catharine Greyeyes; that the foregoing affidavit of Catharine Greyeyes has been carefully read in this affiant's hearing, and its contents made known to her. Affiant further says that the said Catharine Greyeyes was known by affiant to be the owner of said white horse and chestnut sorrel mare, and said sorrel mare and black mare and said sorrel nine-years-old mare, at the times and as stated in said Catharine Greyeyes's affidavit, and that all of said stock was worth \$365, as stated in Catharine Greyeyes's affidavit. Affiant further says that all of said horses were stolen from said Catharine Greyeyes as stated in her affidavit, as this affiant verily believes.

Sworn to before me and subscribed to in my presence this — day of —, A. D. 1861.

United States Indian Agent.

[Indorsement.]

No. 8—F. 40.

Mary Walker, being sworn, testifies to the truth of the within declaration, and that white men only were known to be committing depredations in the neighborhood at the time.

The items marked 1 and 2, amounting to \$200, are allowed.

JULIUS A. FAY,
JAMES P. TAYLOR,
Commissioners.

WYANDOTT, KANSAS, *April 8, 1869.*

[\$594.]

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas :*

Mary A. Walker, being first duly sworn, deposes that she is a Wyandott Indian, and that there was stolen from her, by some person or persons to her unknown, in May, A. D. 1849, (1) one roan pony, nine years old, worth \$75; (2) one bay pony, in the year 1850, three years old, worth \$40, and A. D. 1850 (3) one other bay pony, worth \$40; in June, A. D. 1851, (4) one yoke of white oxen, six years old, worth \$70; all supposed to be taken by Oregon and California emigrants; in June, A. D. 1855, was also stolen from this affiant, as above, three bay ponies, seven years old, worth \$80 each, and in September, A. D. 1856, one sorrel pony, two years old, worth \$40, and in October, A. D. 1856, seven head of hogs, worth \$35, and A. D. 1857, twenty-five hogs, worth in the aggregate \$54. This affiant has never received anything for said property, and the same was taken without her knowledge, and has never been returned or any part of it recovered, and that the aggregate value of said property stolen from this affiant, as above stated, is \$594.

MARY A. WALKER.

STATE OF KANSAS, *Wyandott County, ss :*

At Wyandott, this 19th day of November, A. D. 1861, the foregoing affidavit subscribed in my presence, and sworn to before me.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas :*

Sarah Ladd, being first duly sworn, deposes that she is acquainted with Mary A. Walker, whose affidavit on this sheet has been carefully read to this affiant, and that the said Mary Walker had stolen from her in May, 1849, one roan pony, worth \$75; and in the year 1850 two bay ponies, worth \$40 each; and in June, A. D. 1851, one yoke of white oxen, six years old, worth \$70; and in June, A. D. 1855, three bay ponies, worth \$80 each; one sorrel pony, worth \$40, stolen in September, A. D. 1856. In October, A. D. 1856, there was also stolen from said Mary Walker seven head of hogs, worth \$35; and A. D. 1857 there was stolen twenty-five head of hogs, worth in the aggregate \$54.

SARAH P. LADD.

Sworn to before me and subscribed in my presence this 19th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[Indorsement.]

No. 9—F. 40.

Sarah P. Ladd, being sworn, testifies to the truth of the within declaration, and that white men only were known to be committing depredations in the neighborhood at the time.

The items marked 1, 2, 3, 4, amounting to \$225, are allowed.

JULIUS A. FAY,
JAMES P. TAYLOR,
Commissioners.

WYANDOTT, *April* 14, 1869.

[\$865.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Margaret G. Solomon, being first duly sworn, says she is a Wyandott Indian; that in the month of September, 1848, she had stolen from her (1) one brown pony mare, eight years old, worth \$65, and (2) one bay horse, five years old, worth \$75, and (3) one gray pony horse, four years old, worth \$60; all of the above, stolen at the same time, it was supposed, by Oregon emigrants. In the month of June, A. D. 1858, she had stolen from her one sorrel mare, seven years old, worth \$60; in July, 1859, she had stolen from her one fine bay mare, six old, worth \$100; and one gray mare, five years old, worth \$40. The last two supposed to be taken by Pike's Peak emigrants. In the fall of 1848, she had stolen from her (4) thirty hogs, worth \$3 each, in all, \$90. In December, A. D. 1855, she had stolen from her in gold coin, \$225; said money was in the dwelling-house of John W. Greyeyes, in a trunk, and the trunk was broken open and the said \$225 taken out. It was supposed to have been stolen by a work-hand in the family, who called himself James Cook. Said Cook absconded about the time the money was lost, and has never been heard of here since. In the month of November, A. D. 1856, she had stolen from her one fine horse, four years old, worth \$100; and one black horse, nine years old, worth \$80; and one odd ox, speckled red and white, five years old, worth \$30. Affiant says that all of said property was stolen from affiant at the times and as stated above, and all taken by unknown persons, except as stated above; and affiant has not seen or heard anything of any of said property since the times stated in this affidavit as their having been stolen. Affiant further says that she has never received any compensation for any of said property. The whole value of said stock was \$865.

MARGARET ^{her} + SOLOMON.
mark.

Sworn to before me and subscribed in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Catherine Johnson, being first duly sworn, says that she is a Wyandott Indian; that she is acquainted with the above-named Margaret G. Solomon; that the foregoing affidavit of the said Margaret G. Solomon has been carefully read in her hearing. Affiant further saith that the said Margaret G. Solomon was known by affiant to be the owner of said

brown pony mare, and bay horse, and gray pony horse, sorrel mare, bay mare, gray mare, thirty hogs, \$225 in gold, and one fine horse, black horse, and speckled ox, at the times and as stated in said Margaret G. Solomon's affidavit; and that all of said property was stolen from said Margaret G. Solomon as stated in said Margaret's affidavit. Affiant further saith that said property was worth \$865.

CATHERINE ^{her} + JOHNSON.
mark.

Sworn to before me and subscribed to in my presence, this 18th day of —, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[Indorsement.]

No. 10—F. 40.

Catherine Johnson, being sworn, testifies to the truth of the within declaration, that white men only were known to be committing depredations in the neighborhood at the time. The items marked 1, 2, 3, and 4, amounting to \$295, allowed.

JULIUS A. FAY,
JAMES P. TAYLOR,
Commissioners.

WYANDOTT, KANSAS, *April 12, 1869.*

[\$537.

SHAWNEE AND WYANDOTT AGENCY, *State of Oregon:*

Lydia B. Walker, being first duly sworn, says that she is a Wyandott Indian; that in the month of September, A. D. 1858, she had stolen from her by Pike's Peak emigrants one light gray horse, three years old, and one black horse, three years old; said horses were worth \$75 each, and in all \$150; in the month of June, A. D. 1859, she had stolen from her one fine dark bay horse, seven years old, worth \$150; in the month of May, A. D. 1849, she had stolen from her by California emigrants (1) one fine six-year-old sorrel mule, worth \$75; in the month of May, A. D. 1845, she had stolen from her by Oregon emigrants (2) one black and white cow, seven years old, worth \$25, and (3) one muley black and white cow, seven years old, worth \$25; and (4) one dun cow, eight years old, worth \$25; and (5) one red cow, nine years old, worth \$25; in the month of October, A. D. 1848, she had stolen from her (6) ten head of hogs, worth \$5 per head, in all \$50; in the month of October, A. D. 1850, she had stolen from her (7) ten head of hogs, worth \$5 each, in all worth \$50. Affiant says that all of said stock was stolen from affiant at the times above stated in this affidavit, and all taken by persons unknown to affiant, except as stated above; and affiant has not seen or heard from any of said stock since the times stated in this affidavit as their having been stolen. Affiant further says that she never received any of said compensation for any of said stock. The whole value of said stock was \$537.

LYDIA B. WALKER.

Sworn to before me and subscribed in my presence this 19th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Adeline Walker, being sworn, says that she is a Wyandott Indian; that she is acquainted with the foregoing deponent, Lydia Walker; that the foregoing affidavit of said Lydia Walker has been carefully read in this affiant's hearing. Affiant further says, that the said Lydia Walker was known by affiant to be the owner of said light gray and black horses, and said fine dark bay horse, and said sorrel mule, also said two black and white and said dun and red cows, and of said twenty hogs, at the times and as stated in said Lydia Walker's affidavit; and that all of said stock was worth \$537, as stated in said Lydia Walker's affidavit. Affiant further says, that all of said stock was stolen from said Lydia Walker as stated in her said affidavit, as this affiant verily believes.

ADELINE WALKER.

Sworn to and subscribed in my presence this 19th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[Indorsement.]

No. 11—F. 40.

Sarah P. Ladd, being sworn, testifies to the truth of the within declaration, and that white men only were known to be committing depredations in the neighborhood at the time. The items marked 1, 2, 3, 4, 5, 6, and 7, amounting to \$275, are allowed.

JULIUS A. FAY,
JAMES P. TAYLOR,
Commissioners.

WYANDOTT, KANSAS, *April 10, 1869.*

[§399.]

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Noah Zane, being first duly sworn, says that he is a Wyandott Indian; that in the month of April, A. D. 1861, he had stolen from him one three-year old black pony, with one hind foot white, worth \$60; in the month of October, A. D. 1848, he had stolen from him (1) eight head of fattening hogs, worth \$5 per head, in all worth \$40; in the month of November, A. D. 1850, he had stolen from him (2) ten hogs, worth \$5 per head, in all worth \$50; in the month of November, A. D. 1852, he had stolen from him (3) ten hogs, worth \$5 per head, in all worth \$50; in the month of December, A. D. 1854, he had stolen from him (4) twenty head of stock hogs, pigs, and shoats, worth \$2 per head, in all worth \$40; in the month of November, A. D. 1856, he had stolen from him twelve head of fattening hogs, worth \$6 per head, in all worth \$72; in the month of November, A. D. 1860, he had stolen from him three hogs, worth \$5 each, in all worth \$15. Affiant says that all of said horses and hogs were stolen from him at the times and as stated above in this affidavit, and it was all taken by persons unknown to this affiant; and affiant has not seen or heard from said pony or any of said hogs since the time stated in this affidavit as the time when they were stolen. Affiant fur-

ther says, that he has never received any compensation for any of said stock. The whole value of said pony and hogs was \$399.

NOAH ZANE.

Sworn to before me and subscribed to in my presence this day of November, A. D. 1861.

JAS. B. ABBOTT.
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas :*

Isaac Z. Long, being first duly sworn, says that she is a Wyandott Indian; that she is acquainted with Noah Zane, the foregoing affiant; that the said foregoing affidavit of Noah Zane has been carefully read in affiant's hearing, and its contents made known to him. Affiant further says, that he knows that the said Noah Zane was the owner of the said black pony and of all of said hogs at the times and as stated in his said affidavit, and that all of said stock was stolen from said Noah Zane at the times and as stated in said Noah's affidavit. Affiant further says, that the entire value of said property was \$399, as he verily believes.

ISAAC Z. LONG.

Sworn to before me and subscribed to in my presence this day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[Indorsement.]

No. 12—F. 40.

Tabitha Zane, being sworn, testifies to the truth of the within declaration, and that white men only were known to be committing depredations in the neighborhood at the time.

The items marked 1, 2, 3, and 4, amounting to \$180, are allowed.

JULIUS A. FAY,
JAMES P. TAYLOR,
Commissioners.

WYANDOTT, KANSAS, *April 13, 1869.*

[\$1,439.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas :*

Isaac W. Zane, being sworn, says he is a Wyandott Indian; that there was stolen from him in January, 1849, by a man named Wilson, as he believes, (1) one dark bay horse, eight years old, worth \$100; and in May, 1849, by a man named Hud, as he believes, (2) one bright bay horse, about eight years old, worth \$50; on the 10th of May, 1847, by persons unknown, (3) \$250 in gold, stolen from his stand drawer, while at work in his brick-yard; in the fall of 1849, by persons unknown, (4) thirteen sows, worth \$7 each—\$91; (5) ninety-seven barrows, worth on an average \$5 each—\$485; (6) forty-three shoats, six months old, worth \$2 each, \$86; in the fall of 1851, (7) one red and white steer, four years old, worth \$20; (8) two brindle steers, four and one-half years old, worth \$50; (9) two red and white spotted match steers, four years old, worth \$60; in October, 1857, five sows, worth \$5 each, thirteen barrows thirteen months old, worth \$7 each, and twelve shoats, six months old, worth \$3 each; in December, 1857, one black and white spotted bull,

four years old, worth \$20; and in the fall of 1848, (10) one yoke of oxen, worth \$75, in all, \$1,439; and affiant further says he never recovered any of said property nor received compensation for any part of it; affiant further says he was attacked in the eyes by some disease prevalent in the country, in the summer of 1848, from which total blindness resulted for a long period, and even yet he cannot distinguish objects a few feet from him, which he thinks a probable reason why his property was so extensively depredated upon.

ISAAC W. ^{his} + ZANE.
mark.

Sworn to and subscribed before me this 13th day of December, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Eliza Brown, being sworn, says she is acquainted with Isaac W. Zane, the within named affiant; that she kept house for him several years, and was well acquainted with his business and property; that she has heard the within affidavit carefully read; that the statements therein made are true as she verily believes.

ELIZA ^{her} + BROWN.
mark.

Sworn to and subscribed before me this 13th day of December, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[Indorsement.]

No. 13—F. 40.

Eliza Brown, being sworn, testified to the truth of the within declaration, and that white men only were known to be committing depredations in the neighborhood at the time.

The items marked 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, amounting to \$1,267 are allowed.

JULIUS A. FAY,
JAMES P. TAYLOR,
Commissioners.

WYANDOTT, KANSAS, *April 13, 1869.*

[\$819.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Margaret D. Solloman, being first duly sworn, says that she is a Wyandott Indian; that in the month of September, A. D. 1854, she had stolen from her (1) one roan mare, nine years old, worth \$60; in the month of September, A. D. 1856, she had stolen from her one three-year old bay pony, worth \$40; in October, A. D. 1857, she had stolen one bay horse, ten years old, worth \$40; in the month of May, A. D. 1858, she had stolen one bay four-year old mare, worth \$50; in June, A. D. 1859, she had stolen one black five-year old mare, worth \$50; in May, A. D. 1861, she had stolen one sorrel mare, eight years old, worth \$80; in June, A. D. 1858, she had stolen one iron-gray pony, five years old, worth \$60; in May, A. D. 1853, she had stolen (2) one brown cow,

four years old, worth \$15; (3) one four-year old red steer, worth \$20; (4) one three-year old red steer, worth \$15; in July, A. D. 1854, she had stolen from her (5) one white sow, five years old, worth \$20; (6) one three-year old red and white heifer, worth \$15; (7) one two-year old white heifer, worth \$10; (8) one two-year old red heifer, worth \$10; in June, A. D. 1855, she had stolen one red and white spotted cow, three years old, worth \$15, and one yearling brown heifer, worth \$5; one white yearling steer, worth \$5; the last named supposed to be taken by California emigrants; in October, A. D. 1856, she had stolen twenty hogs, worth \$5 each, making in all one hundred dollars; in November, A. D. 1857, she had stolen fifteen hogs, worth \$5 each, in all \$75; in December, A. D. 1858, she had stolen ten hogs, worth \$5 each, in all \$50; in October, 1859, she had stolen eight hogs, worth \$3 each, in all \$24; in the month of June, A. D. 1860, she had stolen one fine bay four-year old horse, worth \$60. All of said property was stolen by persons unknown to affiant, and affiant has not seen or heard from any of said property since the time stated above as its having been stolen. Affiant further says that she has never received any compensation for any of said property, and that its entire value was \$819.

MARGARET D. ^{her}+ SOLLOMAN.
mark.

Sworn to before me and subscribed to in my presence this 13th day of December, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Jane Solloman, being first duly sworn, says that she is a Wyandott Indian; that she is acquainted with the foregoing affiant, Margaret D. Solloman; that the said foregoing affidavit of said Margaret D. Solloman has been carefully read to her in her hearing, and the contents therein made known to her; that she knows that the said Margaret D. Solloman was the owner of said roan mare, bay pony, bay horse, bay mare, black mare, sorrel mare, iron-gray pony, brown cow, red steer four years old, and another three years old, white cow, speckled heifer, white heifer, red heifer, red and white cow, brown yearling heifer, white yearling steer, twenty hogs, fifteen hogs, ten hogs, eight hogs, and bay horse, at the times and as stated in said Margaret D. Solloman's affidavit, and that said property was stolen as stated in said affidavit. Affiant further says that the entire value of said property was \$819.

JANE ^{her}+ SOLLOMAN.
mark.

Sworn to before me and subscribed to in my presence, this 13th day of December, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[Indorsement.]

No. 14—F. 40.

Jane Sollomon, being sworn, testifies to the truth of the within declaration, and that white men only were known to be committing depredations at the time in the neighborhood.

The items marked 1, 2, 3, 4, 5, 6, 7, and 8, amounting to \$165, are allowed.

JULIUS A. FAY,
JAMES P. TAYLOR,
Commissioners.

WYANDOTT, KANSAS, *April* 16, 1869.

[\$550.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

John Hix, being first duly sworn, deposes that he is a Wyandott Indian, and that in September, A. D. 1845, there was stolen from him by some person or persons unknown, (1) one black horse, eight years old, worth \$100; (2) one bay horse, nine years old, worth \$80; (3) one brown horse, nine years old, worth \$100; (4) one cream-colored mare, nine years old, worth \$90; and in 1859, one bay poney, five years old, worth \$100; one black pony, six years old, worth \$80; one bay pony, with blaze-face, eight years old, worth \$75; all of the value amounting in the aggregate to \$550; none of which property has ever been recovered by his affiant, nor has he ever received any pay for said property or any part thereof, nor has he any knowledge by whom or where said property was taken to.

JOHN ^{his} × HIX.
mark.

STATE OF KANSAS, *Wyandott County*, ss :

At Wyandott, this 18th day of November, A. D. 1861, the foregoing affidavit subscribed in my presence and sworn to before me.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY :

John Sollomon, being first duly sworn, deposes that he is a Wyandott Indian, and is acquainted with John Hix, whose affidavit is on this sheet, which has been carefully read to this affiant, and that there was stolen from said affiant, John Hix, the animals mentioned in his said affidavit, and at the times therein stated, and that said property was of the value stated in the said Hix's affidavit aforesaid.

JOHN ^{his} + SOLLOMON.
mark.

Sworn before me and subscribed in my presence this — day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[Indorsement.]

No. 15—F. 40.

Robert Robitaille, being sworn, testifies to the truth of the within declaration, and that white men only were known to be committing depredations at the time in the neighborhood.

The items marked 1, 2, 3, and 4, amounting to \$370, allowed.

JULIUS A. FAY,
JAS. P. TAYLOR,
Commissioners.

WYANDOTT, KANSAS, *April* 17, 1869.

[\$940.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Jane Pipe, being first duly sworn, deposes that she is a Wyandott Indian, and that there was stolen from her by some person or persons unknown, in May, A. D. 1855, one gray three-year-old mare, worth \$60; and in the month of September, A. D. 1848, there was stolen from this affiant (1) one bay horse, eight years old, worth \$50; one gray horse, five years old, worth \$50; and in July of the same year, (2) one sorrel horse, four years old, worth \$40; (3) one bay ball-faced horse, four years old, worth \$40; supposed to be taken by emigrants to Oregon; and in May, A. D. 1856, there was stolen from this affiant as above stated, one bay five-year-old horse, worth \$100; and in October, thirty hogs, worth in the aggregate \$150; and in June, A. D. 1857, one brindle ox, four years old, worth \$35; one red and white yearling, worth \$5; and in November, same year, forty hogs, worth \$5 per head, \$200; and A. D. 1858, one fine sorrel horse, seven years old, worth \$125; and in October of same year, thirty head of hogs, different sizes, worth in the aggregate \$60; one white milch cow, eight years old, worth \$25; and in A. D. 1859, one pair or yoke of red lined-back oxen, five years old, worth \$100; amounting in the aggregate to \$940; none of which property has ever been recovered, nor has this affiant ever received any compensation for all or any part of the same, and has no knowledge, except as above stated, where the same went to.

JANE ^{her} + PIPE.
mark.

STATE OF KANSAS, *Wyandott, ss* :

At Wyandott, this 18th day of November, A. D. 1861, the foregoing affidavit subscribed in my presence, and sworn to before me.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY :

Margaret Pipe, being first duly sworn, deposes that she is a Wyandott Indian, and is acquainted with Jane Pipe, whose affidavit on this sheet has this day been carefully read to this affiant, and this affiant deposes that there was stolen from the said Jane Pipe the articles of property named in her affidavit at the times therein stated, and the several articles were of the value stated in the said Jane Pipe's affidavit aforesaid.

MARGARET ^{her} + PIPE.
mark.

Sworn and subscribed to before me this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[Indorsement.]

No. 16—F. 40.

Mary Karaboo, being sworn, testifies to the truth of the within declaration, and that white men only were known to be committing depreda-

tions in the neighborhood at the time. The items, amounting to \$130, marked 1, 2, and 3, are allowed.

JULIUS A. FAY,
JAMES P. TAYLOR,
Commissioners.

WYANDOTT, KANSAS, *April 12, 1869.*

[\$1,328.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas :*

Mary P. Montun, being first duly sworn, says that she is a Wyandott Indian; that in the month of April, A. D. 1850, she had stolen from her (1) one brown mare, eight years old, worth \$75; also, (2) one bay horse, six years old, worth \$60, and (3) one brown pony, with white blaze on forehead, six years old, worth \$60, and (4) one gray mare, ten years old, worth \$50; in the month of May, A. D. 1851, she had stolen from her (5) one sorrel horse, seven years old, worth \$85, and (6) one bay pony, five years old, worth \$55; in the month of June, A. D. 1852, she had stolen from her (7) one mouse-colored mare pony, seven years old, worth \$50, and (8) one sorrel pony mare, four years old, worth \$50; in the month of May, A. D. 1854, she had stolen from her (9) one iron-grey pony, nine years old, worth \$85, and (10) one dun pony, four years old, worth \$40; in the month of December, A. D. 1856, she had stolen from her one fine bay horse, eight years old, worth \$125, and one Applusia spotted mare, eight years old, worth \$100; in the month of July, A. D. 1856, she had stolen from her one bay pony, four years old, worth \$55, and one brown pony, three years old, worth \$40; in the month June, A. D. 1855, she had stolen from her one red and white spotted cow, seven years old, worth \$20, and one red cow, five years old, worth \$25; both of said cows had calves, worth \$5 each, taken at same time, in all, calves worth \$10; in the month of July, A. D. 1856, she had stolen from her one black cow, five years old, worth \$15, and another cow of the same color, four years old, worth \$18; in the month of October, 1854, she had stolen from her (11) twenty head of hogs, worth \$5 per head, in all, \$100; in the month of November, A. D. 1855, she had stolen from her twenty-two hogs, worth \$5 per head, in all, worth \$110; in the month of October, 1856, had ten hogs stolen, worth \$4 per head, in all, \$40; in the month of November, A. D. 1859, had fifteen head of hogs stolen, worth \$4 per head, in all, worth \$60; most of the above stock was supposed to have been stolen by emigrants to Oregon and California. Affiant says that all of said stock was stolen from her at the times and as stated above in this affidavit, and it was all taken by persons unknown to affiant, and affiant has not seen or heard from any of said stock since the times stated in this affidavit as the times when said stock was stolen. Affiant further says that she has never received any compensation for any of said stock. The whole value of said stock stolen was \$1,328.

MARY P. ^{her} + MONTUN.
mark.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas*:

Margaret G. Sollomon, being first duly sworn, says that she is a Wyandott Indian; that she is acquainted with the above named Mary P. Montun; that the foregoing affidavit of the said Mary P. Montun has been carefully read in my hearing. Affiant further says that she knows that the said Mary P. Montun was the owner of the said brown mare, bay horses, brown, blaze-faced pony, gray mare, sorrel horse, bay pony, mouse-colored mare pony, sorrel mare pony, iron-gray pony, dun pony, bay horse, Appelusia spotted mare, bay pony, and brown pony; spotted red and white and red cows, with three calves; two black cows, twenty head of hogs, twenty-two head of hogs, fifteen hogs, at the times and as stated in said Mary P. Montun's affidavit, and that all of said property was stolen from said Mary P. Montun at the time and as stated in said Mary P. Montun's affidavit. Affiant further says that the entire value of said property was \$1,328.

MARGARET ^{her} + G. SOLOMON.
mark.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[Indorsement.]

No. 17—F 40.

WYANDOTT, KANSAS, *April 14, 1869.*

Catharine Johnson, being sworn, testifies to the truth of the within declaration, and that white men only were known to be committing depredations in the neighborhood at the time.

The items marked 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, amounting to \$730, are allowed.

JULIUS A. FAY,
JAS. P. TAYLOR,
Commissioners.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas*:

Noah Zane, being sworn, says he is a Wyandott Indian; that when the census of the Wyandotts was taken, pursuant to a division and apportionment of their lands under the provisions of the treaty of 31st January, 1861, he and his wife were from home; that he had one child about seven months old, which had not yet been christened; that the said child was set down, as he supposed, under the name of "infant;" that in the apportionment of the lands he supposes the commissioners understood the word "infant" to refer to Alonzo Zane, who was the next youngest child; and that in consequence of this error affiant was deprived of one share in the allotment, which he considers was worth \$600; and affiant further says this error has not been corrected, as he verily believes, and that he never received commutation for it.

NOAH ZANE.

Sworn to and subscribed before me this 13th December, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[Indorsement.]

No. 18—F 40.

WYANDOTT, KANSAS, *April 14, 1869.*

This claim is proved by the patent issued Noah Zane and by the plat book. Allowed, \$600.

JULIUS A. FAY,
JAS. P. TAYLOR,
Commissioners.

[\$526 50.]

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Francis Cotter, being first duly sworn, says that he is a Wyandott Indian; that about the month of April, A. D. 1859, there was stolen from him, the said Francis Cotter, one seven years old black horse, worth \$60; also, there was stolen from him, in the fall of A. D. 1850, (1) a yoke of oxen, one red and one brown, the brown ox six years old, the red ox four years old, worth \$50; also, there was stolen from him in the month of July, A. D. 1860, a gray, four years old mare, with colt, worth \$120; also, in the month of March, A. D. 1856, he had stolen from him a speckled, four years old cow, worth \$20; and in the fall of A. D. 1858, another speckled, red and white, three years old cow, worth \$20; and in the summer of A. D. 1857, he had stolen a speckled, one year old heifer, worth \$10; in the fall of 1856, he had stolen from him fifteen hogs, worth \$75; in the fall of 1857, he had stolen from him fifteen more hogs, worth \$75; also, he had stolen from him, in the summer of 1857, one saddle and bridle, saddle worth \$25, and bridle worth \$3 50; also, in the spring of 1858, he had stolen from him one saddle, worth \$18; also, in the fall of 1858, one red and white odd ox, worth \$50, killed, as affiant believes, by William Wren. All of the above described goods and chattels were stolen from affiant at the times above stated, and all taken by persons unknown to affiant; and affiant has neither seen nor heard anything of any of said stock or goods since the time stated as their having been stolen, nor has affiant received any compensation for them. The whole value of said property stolen being \$526 50.

FRANCIS COTTER.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Lucinda Forsyth, being duly sworn, says that she is a Wyandott Indian; that she is acquainted with the above named deponent, Francis Cotter. Affiant further says that the foregoing affidavit of Francis Cotter has been carefully read in her hearing. She further saith that the above-named Francis Cotter was known to her to be the owner of said black horse, yoke of oxen, gray mare and colt, two speckled cows, speckled heifer, thirty hogs, two saddles and bridle, and odd ox, at the times and as stated in said Francis Cotter's affidavit; and that their value as stated in said Francis Cotter's affidavit, of \$526 50, was no more than their true value. Affiant further saith that the said prop-

erty was stolen from said Francis Cotter, as stated in his affidavit, as this affiant verily believes.

LUCINDA FORSYTH.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[Indorsement.]

No. 19—F. 40.

This claim has been considered on the testimony of Wm. Walker, John Serrehas, and others, (see affidavit inclosed in No. 24;) that white men only were known to be committing depredations in the neighborhood at the time.

The item marked 1, amounting to \$50, is allowed.

JULIUS A. FAY,
JAS. P. TAYLOR,
Commissioners.

WYANDOTT, KANSAS, *April 9, 1869.*

[\$317.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas :*

John Soloman, being first duly sworn, says that he is a Wyandott Indian; that in the month of October, A. D. 1849, he had stolen from him (1) fifteen hogs, worth \$5 per head, in all worth \$75. In the month of November, A. D. 1850, he had stolen from him (2) ten hogs, worth \$4 per head, in all worth \$40. In October, A. D. 1851, he had (3) eight hogs stolen from him, worth \$4 per head, in all worth \$32. In June, A. D. 1854, he had stolen from him (4) one bay horse colt, two years old, worth \$40. In September, A. D. 1860, one nine-years-old brown horse, worth \$50. In the month of June, A. D. 1861, one fine horse, six years old, worth \$80. Affiant says that all of said property was stolen from affiant at the times and as stated above in this affidavit, and all taken by unknown persons; and affiant has not seen nor been able to hear from any of said property since the time stated in this affidavit as their having been stolen; affiant further says that he has never received any compensation from any of said stock or property. The whole value of said property stolen was \$317.

JOHN ^{his} + SOLOMAN.
mark.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas :*

Mary P. Monture, being first duly sworn, says that she is a Wyandott Indian; that she is acquainted with the above-named John Soloman; that the foregoing affidavit of the said John Soloman has been carefully read in her hearing. Affiant further says that she knows, of her own knowledge, that the said John Soloman was the owner of the said thirty-

three hogs, (to wit, the said fifteen hogs in 1849, and ten hogs in 1850, and eight hogs in 1851,) and said bay horse colt, and said brown horse, and said fine horse, at the times and as stated in said John Solomon's affidavit; and that all of said property was stolen from said John Solomon as stated in said John Solomon's affidavit. Affiant further saith that said property was worth \$317.

MARY P. ^{her} + MONTURE.
mark.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

No. 20—F. 40.

This claim has been considered on the testimony of William Walker, John Serrehas, and others, (see affidavit inclosed in No. 24,) that white men only were known at the time to be committing depredations in the neighborhood. The items marked 1, 2, 3, 4, amounting to \$187, are allowed.

JULIUS A. FAY,
JAMES P. TAYLOR,
Commissioners.

WYANDOTT, KANSAS, *April 9, 1869.*

[§579.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Margrett Barnet, being first duly sworn, deposes that she is a Wyandott Indian, and that in 1842, she, with her nation, removed from Ohio to Wyandott, Kansas; that she owned improvements upon land in Ohio, which she left, that were appraised at \$94, for which she never received any pay; and that in October, A. D. 1848, there were stolen from her, by some person or persons unknown, (1) twenty head of hogs, worth \$100; and in May, A. D. 1854, (2) one red and white cow, worth \$20; (3) one brown yearling, worth \$5; (4) one white yearling steer, worth \$5; and in October, A. D. 1856, twenty-five head of hogs, worth \$125; and in November, A. D. 1857, ten head of hogs, worth \$50; and in September, A. D. 1858, one gray mare, six years old, worth \$80; one bay yearling colt, worth \$20; one bay pony, four years old, worth \$80; and in May, A. D. 1860, one bay colt, one year old, worth \$20; amounting, in the aggregate, to \$579, none of which property has ever been recovered by this affiant, nor has she ever received any compensation or pay for the same; nor has she any knowledge where the same went, or who took it.

MARGRETT ^{her} + BARNET.
mark.

STATE OF KANSAS, *Wyandott County, ss:*

At Wyandott, this 18th day of November, A. D. 1861, the foregoing affidavit subscribed in my presence and sworn to before me.

JAS. B. ABBOTT,
U. S. Indian Agent.

SHAWNEE AND WYANDOTT AGENCY:

Margaret Punch, being first duly sworn, deposes that she is a Wyandott Indian, and is well acquainted with Margrett Barnet, whose affidavit is on this sheet; and that there was stolen from said Margrett Barnet the articles of property described in her affidavit aforesaid, and at the times therein specified; and that said property was of the value stated in said affidavit; and that said affidavit has this day been carefully read to me.

MARGARET ^{her} + PUNCH.
mark.

Sworn to before me and subscribed in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
U. S. Indian Agent.

[Indorsement.]

No. 21—F. 40.

This claim has been considered on the testimony of William Walker, John Serrehas, and others, (see affidavit inclosed in No. 24,) that white men only were known to be committing depredations in the neighborhood at the time herein mentioned. The items marked 1, 2, 3, 4, amounting to \$130, are allowed.

JULIUS A. FAY,
JAMES P. TAYLOR,
Commissioners.

WYANDOTT, KANSAS, April 9, 1869.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas*:

Amos Cotter, being sworn, says he is a Wyandott Indian; that there were stolen from him, by persons unknown, in the spring of 1856, (1) one bay horse, four years old, worth \$85, and (2) one saddle and bridle, worth \$29 50. About the same time, (3) one iron-gray horse, seven years old, worth \$75; and at the same time, (4) one bay pony, four years old, worth \$90; in all \$279 50. And affiant says, further, that he never recovered any of said property, nor received any compensation for any part of it.

AMOS ^{his} + COTTER.
mark.

Sworn to and subscribed before me this 14th December, 1861.

JAS. B. ABBOTT,
U. S. Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas*:

Hiram Cotter, being sworn, says he is acquainted with Amos Cotter, the above-named affiant; that he has had his affidavit carefully read, and that the statements therein contained are true, as he verily believes.

HIRAM ^{his} + COTTER.
mark.

Sworn to and subscribed in my presence this 14th December, 1861.

JAS. B. ABBOTT,
U. S. Indian Agent.

[Indorsement.]

No. 22—F. 40.

This claim has been considered on the testimony of William Walker, John Serrehas, and others, (see affidavit inclosed in No. 24,) that white men only were known to be committing depredations in the neighborhood at the time herein specified.

The items marked 1, 2, 3, 4, 5, amounting to \$279 50, are allowed.

JULIUS A. FAY,
JAMES P. TAYLOR,
Commissioners.

WYANDOTT, KANSAS, *April 9, 1869.*

[\$266.]

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas :*

Lucinda Forsyth, being first duly sworn, says that she is a Wyandott Indian; that in the month of April, A. D. 1848, there was stolen from her, the said Lucinda Forsyth, (1) one sorrel, four-years-old horse, worth \$50; that in the month of September, A. D. 1848, she had stolen from her three yearlings, one white steer, one speckled black and white steer, and (2) one red heifer, worth six dollars each; in all, worth \$18; that in the month of November, A. D. 1848, she had stolen from her (3) thirty-three hogs, worth \$6 dollars each, in all worth \$198. All of the above stock was stolen from affiant at the times above stated, and all taken by persons unknown to affiant, and affiant has not heard or seen anything of any of said stock since the times stated in this affidavit as their having been stolen. Affiant further says that she has never received any compensation for said stock. The whole value of said stock is \$266.

LUCINDA FORSYTH.

Sworn to and subscribed in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
U. S. Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas :*

Francis Cotter, being first duly sworn, says that he is a Wyandott Indian; that he is acquainted with the above-named deponent, Lucinda Forsyth; that the foregoing affidavit of Lucinda Forsyth has been carefully read in his hearing. Affiant further saith that the above-named Lucinda Forsyth was known to affiant to be the owner of said sorrel horse, said three yearlings, and said thirty-three hogs, at the times and as stated in said Lucinda Forsyth's affidavit, and that they were worth \$266, as stated in said Lucinda Forsyth's affidavit. Affiant further saith that the said horse, yearlings, and hogs were stolen from said Lucinda Forsyth as stated in her affidavit, as this affiant verily believes.

FRANCIS COTTER.

Sworn to and subscribed to in my presence this 18th day of November, A. D. 1861.

[Indorsement.]

No. 23—F. 40.

This claim has been considered on the testimony of William Walker, John Serrehas, and others, (see affidavit inclosed in No. 24,) that white men only were known to be committing depredations in the neighborhood at the time herein specified.

The items marked 1, 2, 3, amounting to \$266, are allowed.

JULIUS A. FAY,
JAMES P. TAYLOR,
Commissioners.

WYANDOTT, KANSAS, April 9, 1869.

Affidavit of Leading Wyandotts.

THE STATE OF KANSAS, Wyandott County :

The undersigned, William Walker, John Serrehas, John D. Brown, William Johnson, Russell Garrett, Henry C. Long, and George Peacock, being duly sworn by the undersigned, a notary public in and for said Wyandott County, on their oaths, do say, that they were each formerly Wyandott Indians, and had resided as such on the Wyandott reservation, west of the Missouri River, mostly since the settlement of said Wyandotts on said reservation. That said Wyandott people were but little molested with depredation on their property on said reservation, except at the periods when the Oregon, California, and Mormon emigrations were passing through their neighborhood, until the settlements begun to be made under the territorial organization of Kansas; but that with such periods of emigrant travel and with the influx of white population in the Territory of Kansas, from 1854 to 1857, depredations on the property of the Indians became of almost of every day occurrence, and that they have reason to believe and do verily believe, that more than nine-tenths of all property stolen from them was stolen by said emigration parties and early territorial settlers, commonly known as border ruffians.

WM. WALKER.

^{his}
JOHN + SERREHAS.

^{mark.}
^{his}
WM. + JOHNSON.

^{mark.}
^{his}
GEO. + PEACOCK.

^{mark.}
JOHN D. BROWN.

H. C. LONG.

RUSSELL GARRETT.

W. S. ARMSTRONG.

Subscribed and sworn to before me this 9th day of April, A. D. 1861,
Witness my name and notarial seal.

[SEAL.]

M. B. NEWMAN,
Notary Public.

[\$225.]

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas :*

Eliza Bigtree, being first duly sworn, says that she is a Wyandott Indian. That in the month of August, 1852, she had stolen from her (1)

one yoke of four-years-old oxen, one black and white, and the other red, with a white line along his back; said oxen worth \$75. Affiant thinks they were stolen by California emigrants. That in the month of July, A. D. 1856, she had stolen from her (2) two three-year-olds, one steer, and one black heifer, worth \$10 each; in all \$20. That in the spring of A. D. 1857 she had stolen from her (3) one yellow white-faced-three-years, old heifer, worth \$10. That in the month of September, A. D. 1857, she had stolen from her two milch cows, both red, both four or five years old, and together worth \$40. That in the month of October, A. D. 1854, she had stolen from her (4) twenty hogs, worth \$4 each, in all worth \$80. Affiant says that all of said cattle and hogs were stolen from affiant at the times above stated, and all taken by persons unknown to affiant; and affiant has not seen or heard anything of any of said cattle or hogs since the times stated in this affidavit as their having been stolen. Affiant further says that she has never received any compensation for any of said stock. The whole value of said cattle and hogs was \$225.

ELIZA BIGTREE.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Lucinda Forsyth, being first duly sworn, says she is a Wyandott Indian. That she is acquainted with the above-named deponent, Eliza Bigtree; that the foregoing affidavit of said Eliza Bigtree has been carefully read in her hearing. Affiant further saith that the above-named Eliza Bigtree was known by affiant to be the owner of said oxen and three three-year-olds, (one steer and two heifers,) and of said two cows and twenty hogs, at the times and as set forth in said Eliza Bigtree's foregoing affidavit, and that all of said cattle and hogs were worth \$225, as stated in said Eliza Bigtree's affidavit. Affiant further saith, that said oxen, three-year-olds, cows, and hogs, were stolen from said Eliza Bigtree, as stated in her affidavit, as this affiant verily believes.

LUCINDA FORSYTH.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

No. 14—F. 40.

This claim has been considered on the testimony of William Walker, John Serrehas, and others, (see affidavit inclosed in No. 24,) that white men only were known to be committing depredations in the neighborhood at the time herein specified.

The items marked 1, 2, 3, 4, amounting to \$185, are allowed.

JULIUS A. FAY,
JAMES P. TAYLOR,
Commissioners.

WYANDOTT, KANSAS, *April 9, 1869.*

B.—CLAIMS REJECTED.

[\$1,245.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

William Johnson, being first duly sworn, deposes that he is a Wyandott Indian, and in July, A. D. 1855, there was stolen from this affiant one saddle and bridle, worth \$30, and one side-saddle, worth \$25; and in October, A. D. 1856, there was stolen from this affiant twenty-five hogs, worth, in the aggregate, \$150; and in the month of May, A. D. 1857, there was stolen from this affiant two light sorrel horses, with blaze in the face, matched, one five years old, the other four years old, worth \$200; and one dun horse, five years old, worth \$60; and in June one brindle cow, three years old, worth \$20; one red muly cow, three years old, worth \$20; one red and white spotted cow, four years old, worth \$20; and in November, twenty-five head of hogs, worth, in the aggregate, \$150; and in the month of June, A. D. 1858, there was stolen from this affiant a drove or stock of hogs, shoats and pigs to the number of thirty, worth, in the aggregate, \$60; and in July following, one dark bay horse, eight years old, worth \$100; and in October, A. D. 1858, one sorrel horse with a star in his forehead, ten years old, worth \$75; and in the month of June, A. D. 1859, there was stolen from this affiant one sorrel pony horse, four years old, worth \$55; and in November, A. D. 1859, one bay mare, white spot in forehead, seven years old, worth \$95; and in June, A. D. 1860, there was stolen from this affiant one bald-faced bay horse, four years old, worth \$85; all of said property, amounting to the sum of \$1,245, was stolen by some person or persons unknown, though I suppose a part of it was taken by emigrants to Oregon, and a part by emigrants to California; no part of which property has ever been recovered by me, nor have I ever received any compensation for the same or any part thereof.

WILLIAM JOHNSON.

STATE OF KANSAS, *Wyandott, ss*:

At Wyandott, this 18th day of November, A. D. 1861, the foregoing affidavit subscribed in my presence and sworn to before me.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY:

Amelia Charloe, being first duly sworn, deposes that she is a Wyandott Indian, and is well acquainted with William Johnson, whose affidavit is on this sheet, which affidavit has been carefully read to me; and I know that said property mentioned in said affidavit was stolen from the said William Johnson at the times mentioned in his affidavit, and was of the value stated in said Johnson's affidavit.

her
AMELIA + CHARLOE.
mark.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$175.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Mary Kayraboo, 3d, being duly sworn, says she is a Wyandott Indian, and that there was stolen from her, by persons unknown to her,

in October, 1860, one dark bay mare four years old, worth \$80; one dark bay horse-colt two years old, worth \$60. In October, 1859, one red, white-faced cow, four years old, worth \$20; and one red steer, two years old, worth \$15; in all, \$175; and deponent further says she has never seen or heard of any of said property since stolen, and that she has never received any compensation therefor.

MARY ^{her} + KAYRABOO, 3d.
mark.

Sworn to and subscribed before me this 19th day of November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Mary Kayraboo, sr., being sworn, says she is acquainted with Mary Kayraboo, 3d, the above affiant, and that she knows the said Mary Kayraboo, 3d, was the owner of the property described in the above affidavit, and that it was stolen from her as therein stated, as she verily believes.

MARY ^{her} + KAYRABOO, SR.
mark.

Sworn to and subscribed before me this 19th day of November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$440.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Jacob Whitecrow, being first duly sworn, says that he is a Wyandott Indian; that in the month of April, A. D. 1856, he had stolen from him one six-years-old gray mare, worth \$80; one two-years-old bay colt, worth \$40. In the month of November, A. D. 1857, he had stolen from him one sorrel horse, five years old, worth \$110; in September, A. D. 1855, he had stolen from him one two-years-old black mare, worth \$40; in October, A. D. 1856, he had stolen from him one red and white spotted four-years-old cow, worth \$20, and one red cow, seven years old, worth \$15; in the month of May, A. D. 1856, he had stolen from him one four-years-old bay horse, worth \$60; in October, A. D. 1855, he had stolen from him ten head of fattening hogs, worth \$4 per head; in all, worth \$40; in November, A. D. 1857, he had stolen ten head of store hogs, worth \$2 each; in all worth \$20; in June, A. D. 1852, he had stolen one red heifer, worth \$15. Affiant says that all of said stock was stolen from affiant at the times and as stated above in this affidavit, and it was all taken by persons unknown to this affiant. Affiant has not seen nor heard from any of said stock since the times stated in this affidavit as its having been stolen. Affiant has never received any compensation for any of said stock. The whole value of said stock was \$440.

JACOB ^{his} + WHITECROW.
mark.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1851.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas*:

James Armstrong, being first duly sworn, says that he is a Wyandott Indian; that he is acquainted with the foregoing affiant, Jacob Whitecrow; that the said foregoing affidavit of the said Jacob Whitecrow has been carefully read over to affiant and affiant made acquainted with its contents; that he knows that said Jacob Whitecrow was the owner of said gray mare, bay colt, sorrel horse, black mare, spotted cow, red cow, bay horse, ten head of fattening hogs, ten head of stock hogs, and red heifer, at the times and as stated in affiant's affidavit, and that all of said stock was stolen from said Jacob Whitecrow, as stated in his affidavit; affiant further says that the entire value of said stock was \$440.

JAMES ^{his} + ARMSTRONG.
mark.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$1,102.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas*:

Eliza Brown, being duly sworn, says she is a Wyandott Indian; that there was stolen from her in March, 1857, one iron-gray pony, six years old, worth \$60; in May, 1857, one sorrel horse, seven years old, worth \$150; and, at the same time, one saddle and one bridle, worth \$35; in June, 1857, two bay matched horses, ages unknown, worth \$300; and, at the same time, harness, worth \$25; in October, 1858, one gray horse, eight years old, cost \$150; in July, 1861, one dun Mexican pony, nine years old, worth, \$50; and, at the same time, one saddle and one bridle, worth \$12, stolen by a man in Captain Harris's company; in the summer of 1860, one black mare, ten years old, worth \$70; about the same time, one bay mare, five years old, worth \$75; about the same time, one bay horse, four years old, worth \$65; about the same time, one gray mare, three years old, worth \$65; at the same time, one light bay colt, two years old, worth \$45—in all, \$1,107; all of which property was stolen from affiant as above stated, except the span of horses, worth \$300, which was taken by a stranger who said he resided in Lawrence, and promised to return the property, but of whom affiant heard no more; and she further says she has never seen nor heard of any of said property since it was taken, nor received any compensation for it.

ELIZA ^{her} + BROWN.
mark.

Sworn to and subscribed before me this 30th day of November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas*:

Isaac W. Zane, being duly sworn, says she is a Wyandott Indian, and is acquainted with Eliza Brown, the above affiant; and having heard the above affidavit read in her presence, says she knows the affiant, Eliza Brown, was the owner of the property therein enumerated at the several dates therein specified, and that it was of the value named in the affi

davit, and that it was lost in the manner at the times stated, as she verily believes.

ISAAC W. ^{his} + ZANE.
mark.

Sworn to and subscribed before me this 30th day of November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Eliza Jane, now Eliza Connelly, being sworn, says she is a Wyandott Indian; that she was not present at the payment in October, 1855, expecting some member of her mother's family to receive and deliver to her her proportion of the money to be paid to the Wyandotts at that time; that she afterward understood objections had been raised to paying the money to her brother, and that the agent, Major Robert Miller, sustained the objection and retained the money; and deponent further says she did not, at that time nor at any time since, receive the annuity due her at said payment; that the amount paid to the Wyandotts per capita at that time was \$138, which sum is still due her from the United States.

ELIZA B. CONLY.

Sworn to and subscribed before me this 13th December, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Margaret Punch, being first duly sworn, deposes that she is a Wyandott Indian, and that in the month of May, A. D. 1858, there was stolen from this affiant, by some person or persons unknown, one brown horse, three years old, worth \$80; and in May, A. D. 1859, one brown colt, two years old, worth \$20; one bay pony, one year old, worth \$10; one extra good horse, of a bay color, worth \$125; one saddle, worth \$15; all of the value of \$260; none of which property has ever been recovered, nor has this affiant ever received any pay for said property or for any part thereof.

MARGARET ^{her} + PUNCH.
mark.

STATE OF KANSAS, *Wyandott County*, ss :

At Wyandott this 18th day of November, A. D. 1861, the foregoing affidavit subscribed in my presence and sworn to before me.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY :

Margaret Barnet, being duly sworn, deposes that she is a Wyandott Indian, and that she is acquainted with Margaret Punch, whose affidavit is on this sheet, which has this day been carefully read to this affiant, and that there was stolen from said Margaret Punch the articles of

property named in her affidavit, at the times therein mentioned, and that said property was of the value stated in said affidavit.

MARGARET ^{her} + BARNET.
mark.

Sworn to before me and subscribed in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Margaret Pipe, being first duly sworn, says she is a Wyandott Indian; that in June, A. D. 1856, she had stolen from her one seven-years-old bay horse, worth \$80; one brown six-years-old horse, worth \$125. In September, A. D. 1856, she had stolen from her one black five-years-old horse, with saddle and bridle, worth \$100; one five-years-old black mare with yearling colt, together, worth \$100. In August, A. D. 1858, she had stolen from her one two-years-old colt, sorrel, worth \$30. In December, A. D. 1856, she had stolen from her one red and white spotted cow, four years old, worth \$20. In November, A. D. 1857, she had stolen from her one four-years-old white and red cow, worth \$15; one black four-years-old steer, worth \$25; one red yearling heifer, worth \$5; one white yearling heifer, worth \$5; one saddle, stolen out of stable, worth \$20. All the above property was stolen at the times stated above and by persons unknown to affiant, and affiant has never seen or heard from any of said property since the times stated above as their having been stolen. Affiant says that she has never received any compensation for any of said property since stolen. The entire value of said property was \$525.

MARGARET ^{her} + PIPE.
mark.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Terresa Lony, being first duly sworn, says that she is a Wyandott Indian; that she is acquainted with the foregoing affiant, Margaret Pipe; that the foregoing affidavit of said Margaret Pipe has been carefully read to affiant and the contents thereof made known to her; that affiant knows that said Margaret Pipe was the owner of said bay horse, brown horse, black horse with saddle and bridle, black mare, yearling colt, sorrel two-years-old colt, spotted cow and another spotted cow, black steer, red yearling heifer, white yearling heifer, and saddle, at the times and as stated in said Margaret's affidavit, and that they were stolen as there stated. Affiant says all of said property was worth \$525.

TERRESA ^{her} + LONY.
mark.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$770.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

James Armstrong, being first duly sworn, says that he is a Wyandott Indian ; that in the month of February, A. D. 1856, he had stolen from him one bay eight-years-old pony, worth \$100. In the month of October of the same year he had stolen one bay six-years-old horse, worth \$50, and one brown six-years-old mare worth \$80 ; in the month of November, A. D. 1857, he had stolen from him one light sorrel horse seven years old, worth \$110, and one bay bald-faced three-years-old horse, worth \$60 ; in the month of October, A. D. 1857, he had stolen from him fifteen hogs, worth \$3 each, in all worth \$45, and one three-years-old white steer, worth \$15, and one saddle, worth \$10 ; in the month of April he had burned, being set on fire, as affiant supposed, by an incendiary, one log cabin, used as the dwelling-house of affiant, worth \$100 ; household furniture burned with the cabin, worth \$200 ; affiant says that all of said stock was stolen from affiant, and said log cabin and furniture were burned at the times and as stated above in this affidavit, and all of said stock was stolen and said cabin was set on fire by persons unknown to this affiant. Affiant has not seen or heard from any of said stock since the time stated in this affidavit as its having been stolen ; affiant further says that he has never received any compensation for any of said stock or for said cabin and household furniture ; the whole value of said stock stated, and of said cabin and furniture, is \$770.

JAMES ^{his} + ARMSTRONG.
mark.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1861.

United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Jacob Whitecrow, being first duly sworn, says that he is a Wyandott Indian ; that he is acquainted with the foregoing affiant, James Armstrong ; that the foregoing affidavit of James Armstrong has been carefully read to me in my hearing, and I made acquainted with its contents. Affiant further says that he knows that the said James Armstrong was the owner of said bay pony, bay horse, brown mare, light sorrel horse, bay bald-faced horse, fifteen hogs, white steer, and saddle, and also of said log cabin and furniture, at the times and as stated in said James Armstrong's affidavit, and that all of said stock was stolen from said James Armstrong, and said log cabin and furniture was burned at the times and as stated in said James's affidavit, and that the entire value of said property was \$770.

JACOB ^{his} + WHITECROW.
mark.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$325.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Sarah Armstrong, now Mrs. Johnson, being first duly sworn, deposes

that she is a Wyandott Indian, and that in the month of August, A. D. 1857, there was stolen from her by some person or persons unknown one sorrel mare with a star in the forehead, seven years old, worth \$175; and in November of the same year one yoke of red oxen, worth \$75; and in the month of April, A. D. 1858, one yoke of brindle oxen, eight years old, worth \$75; and this affiant has no knowledge where said property went to, nor has she ever recovered any of said property or received pay for any of the same.

SARAH JOHNSON.

Sworn to and subscribed before me this 30th day of November, 1861.
JAS. B. ABBOTT.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Patrick McMahan, being sworn, says he is acquainted with the above named affiant, Sarah Johnson, and knows her to have been the owner of the property described in her affidavit as above given, and that it was worth \$325, and that it was stolen as stated by said affiant, as he verily believes.

PATRICK McMAHAN.

Sworn to and subscribed before me this 30th November, 1861.
JAS. B. ABBOTT.

[\$195.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Peter Bearskin, being first duly sworn, deposes that he is a Wyandott Indian, and that in the month of May, A. D. 1861, there was stolen from him by some person or persons unknown, one bay pony, seven years old, worth \$60; one dark brown horse, five years old, worth \$70; one bay mare, four years old, worth \$40; one red and white cow, four years old, worth \$15, one two-years-old black and white, worth \$10; all of the value of \$195; none of which property has ever been recovered by this affiant, nor has he ever received any pay for the same or any part thereof, nor does this affiant know where said property is or who took it.

PETER ^{his} + BEARSKIN.
mark.

STATE OF KANSAS, *Wyandott County*, ss :

At Wyandott, this 18th day of November, A. D. 1861, the foregoing affidavit subscribed in my presence and sworn to before me.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY :

James Peacock, being duly sworn, deposes that he is a Wyandott Indian and is well acquainted with Peter Bearskin, whose affidavit is on this sheet, which has this day been carefully read to him, and that there was stolen from the said Peter Bearskin in the spring of this year, 1861, the animals mentioned in the affidavit of the said Peter Bearskin,

and that the several animals were worth the sum stated in said affidavit.

JAMES ^{his} + PEACOCK.
mark.

Sworn to before me and subscribed in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$330.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Jesse Geimee, being first duly sworn, says that he is a Wyandott Indian; that in the month of April, A. D. 1860, he had stolen from him one black horse, eight years old, worth \$100, and at same time one cream-colored horse, nine years old, worth \$100; both of said horses supposed to be stolen by Pike's Peak emigrants; that in July, A. D. 1860, he had stolen from him one red three-years-old cow, worth \$25, and also in same month one black three-years-old mare, worth \$50; that in September, A. D. 1860, he had stolen from him one bay colt, one year old, worth \$25; that in the month of October, A. D. 1859, he had stolen from him six hogs worth \$5 each, in all worth \$30. Affiant says that all of said horses, cow, colt, and hogs were stolen from him at the times above-stated, and all taken by persons unknown to affiant except as above stated, and affiant has not seen or heard anything of any of said creatures since the times stated in this affidavit as their having been stolen. Affiant further says that he has never received any compensation for any of said horses, hogs, cows, or colt, and that the whole value of them was \$330.

JESSE ^{his} + GEIMEE.
mark.

Sworn to before me, and subscribed to in my presence, this 19th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

William Johnson, being first duly sworn, says that he is a Wyandott Indian; that he is acquainted with the above-named deponent, Jesse Geimee; that the foregoing affidavit of the said Jesse Geimee has been carefully read in the hearing of affiant. Affiant further saith that said Jesse Geimee was known by affiant to be the owner of said black and cream-colored horse, also of said red cow and black mare, also of said bay yearling colt, also of said six hogs at the times and as set forth in said Jesse Geimee's affidavit, and that all of said stock was worth \$330. Affiant further saith that said horses, cow, and hogs and colt, were stolen from said Jesse Geimee, as stated in his said affidavit, as this affiant believes.

WILLIAM ^{his} + JOHNSON.
mark.

Sworn to before me, and subscribed to in my presence, this 19th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$277.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas*:

Mary Kayraboo, 3d, being duly sworn, says she is a Wyandott Indian, and that she is a sister and only heir of James Kayraboo, deceased, and that the said James Kayraboo, deceased, had stolen from him by persons unknown in August, 1860, one roan horse, five years old, worth \$125, and at the same time one saddle worth \$25, and one bridle worth \$7, in all \$157; also, in the summer of 1858, one iron-gray horse, six years old, worth \$120, in all \$277. And deponent further says that the said James Kayraboo, deceased, never did, as she verily believes, ever recover any of the above-described property, nor receive any compensation therefor.

her
MARY + KAYRABOO, 3D,
mark.
Heir to James Kayraboo, deceased.

Sworn to and subscribed before me this 19th day of November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas*:

Mary Kayraboo, sr., being sworn, says that she was acquainted with the James Kayraboo, deceased, mentioned in the above affidavit, and that she knew him to be the owner of the property described in the above affidavit of Mary Kayraboo, 3d, and that the said property was stolen as therein stated, as she verily believes; and affiant further says she is acquainted with Mary Kayraboo, 3d, the above affiant, and that she knows her to be the sister and only heir of James Kayraboo, deceased, mentioned in the above affidavit.

her
MARY + KAYRABOO, SR.
mark.

Sworn to before me, and subscribed to in my presence, this 19th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$948.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas, Wyandott, ss*:

Silas M. Greyeyes, being first duly sworn, says that he is a Wyandott Indian; that in the month of June, 1856, there was clandestinely taken or stolen from him, by some person or persons to him unknown, one dark gray horse, four years old, of the value of \$80; one sorrel mare, five years old, valued at \$70; one fine black pony, seven years old, of the value of \$80; one gray mare, five years old, of the value of \$50; one bay pony, three years old, of the value of \$60; and in the month of May, A. D. 1859, there was also taken from him as aforesaid one bay mare, eight years old, of the value of \$80; one dapple-gray pony, four years old, of the value of \$60; one bay mare, three years old, of the value of \$50; and that A. D. 1857, there was also taken or stolen from him as above one brindle ox and one white ox, both valued at \$80; also one pair or yoke of oxen, five years old, one red, the other red with white spots, of the value of \$80; one cow, red with white spots, of the value of \$20; one three-years-old red heifer, of the value of \$15;

and that in October, A. D. 1857, there was stolen or taken from him as aforesaid twenty hogs of the value of \$5 each; and in November, A. D. 1858, there was also taken or stolen as aforesaid fifteen hogs, of the value of \$75; and that in October, 1850, there was taken or stolen from him as above stated twelve hogs, of the value of \$48; all of the value of \$948; that he has not seen or heard of anything from said stock since taken, nor has he ever in any way received any pay for the same or any part thereof.

SILAS M. ^{his} + GREY EYES.
mark.

At Wyandott, this 14th day of December, 1861, the foregoing affidavit subscribed in my presence and sworn to before me.

JAS. B. ABBOTT,
United States Indian Agent.

STATE OF KANSAS, *Wyandott, ss:*

I, Mary P. Muntun, depose and say that I am acquainted with Silas M. Greyeyes and his property; that the affidavit of said Greyeyes hereto attached has been carefully read to this deponent; and I further say that said Silas M. Greyeyes was, in 1856, owner of a dark-gray horse, a sorrel mare, a black pony, a gray mare, one bay pony; and that in 1859 he had two bay mares, one was a young one, and a young pony, dapple gray; and that in 1857 he owned a yoke of oxen, one brindle, one white; also a yoke of oxen, one red, the other red with white spots; one cow of the same color, and a red heifer; and that he had, in 1857, a large drove of hogs, as many as twenty; and, in 1858, another drove, as many as fifteen; and that, in 1850, he had a drove of a dozen hogs or more; and that all of said property was stolen from said Greyeyes, as stated in his affidavit; and that the valuation, as stated in the affidavit of said Greyeyes, is a fair valuation of said property.

[\$592.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Nancy Garrett, being sworn, says she is a Wyandott Indian; that about the first of May, 1855, there was stolen from her, by persons unknown, one two-years-old colt, worth \$25; in September, 1859, one large bay horse, nine years old, worth \$80; in August, 1861, one large black horse, worth \$150; in December, 1861, one black horse, six years old, worth \$80; in March, 1860, two large sows worth \$10 each, \$20, and nine large hogs worth \$8 each, \$72; in October, 1861, twenty-five hogs worth \$5 each, \$125; and in October, 1859, one large red ox, five years old, worth \$40, in all, \$592; and affiant further says she never recovered any of said property, nor received any compensation for it.

NANCY GARRETT.

Sworn to and subscribed before this 14th December, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Edward Garrett, being sworn, says he is acquainted with Nancy Garrett, the above-named affiant, and that he has heard her affidavit care-

fully read, and that the statements therein contained are true, to the best of his knowledge and belief.

EDWARD GARRETT.

Sworn to subscribed before me this 14th December, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$150.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas :*

Mary Littlechief, being duly sworn, says she is a Wyandott Indian; that about the month of September, 1858, there was stolen from her, by persons unknown, one bay horse, eight years old, worth \$80; and in the summer of 1860, one bay pony, four years old, worth \$40; and in the winter of 1858, one side-saddle, worth \$30, stolen from her house by persons unknown to her, in all \$150. And deponent further says that she never recovered any of the above described property, nor received any compensation therefor.

MARY ^{her} + LITTLECHIEF.
mark.

Sworn to and subscribed before me this 19th day of November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas :*

Mary Coon, being sworn, says she is acquainted with Mary Littlechief, the above-named affiant, and that she knows her to have been the owner of the property described in her affidavit, and that it was worth \$150, and that it was stolen as stated by said affiant, as she verily believes.

MARY ^{her} + COON.
mark.

Sworn to and subscribed before me this 19th day of November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$495.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas :*

Susannah Robertaille, being sworn, says she is a Wyandott Indian; that there was stolen from her, by persons unknown, in November, 1857, one brindle steer, one and a half year old, worth \$10; and one brindle cow, four or five years old, worth \$30; in the summer of 1857, one sorrel horse, age unknown, worth \$50; in June, 1859, one sorrel horse, white face, two years old, worth \$70; in the summer of 1859, one sorrel mare, two and a half years old, worth 50; also, in the summer of 1857, one bay horse, six years old, worth \$80, stolen, as she believes, by a man named Todd; in January, 1856, one bay horse, seven years old, worth \$125; and in the summer of 1859, two sows, and fifteen fine shoats, worth \$80, in all \$495. And she says further that she never recovered any of said property, nor received any compensation for it.

SUSANNAH ^{her} + ROBERTAILLE.
mark.

Sworn to and subscribed before me this 13th December, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Eliza Brown, being sworn, says she has heard the above affidavit carefully read; that she is acquainted with the affiant, Susannah Robertaille, and that she knows the said Susannah was the owner of the property therein described, and that it was of the value therein stated, and was stolen as stated in the above affidavit.

ELIZA ^{her} + BROWN.
mark.

Sworn to and subscribed before me this 13th December, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY,

[\$612.

State of Kansas, Wyandott, ss :

James Barnet, being duly sworn, says that he is a Wyandott Indian; that in September, A. D. 1856, there was clandestinely taken or stolen from him, by some person or persons to him unknown, one chestnut sorrel horse, with a blaze in his face, five years old, of the value of \$125; and in February, A. D. 1858, one extra light sorrel horse, white face, four years old, of the value of \$125; and in September, A. D. 1859, one brown mare, fifteen years old, of the value of \$40; in April, A. D. 1861, one three-years-old dark brown horse pony, of the value of \$45; at same time, one sorrel mare pony, three years old, of the value of \$40; and A. D. 1858, in November, one black mare, two years old, of the value of \$50; and in April, A. D. 1859, one white and black spotted cow, eight years old, of the value of \$25; and during the summer of 1859, one brown cow, five years old, valued at \$25; and one red cow, three years old, valued at \$20; one black cow, three years old, valued at \$20; one red and white ox, five years old, valued at \$30; one two-years-old steer, black and white, valued at \$12; and in October, A. D. 1857, ten hogs, valued at \$50; and in September, A. D. 1858, five hogs, valued at \$25; one saddle and bridle, taken from a horse in Wyandott City in October, A. D. 1860, valued at \$20. All of said property stolen from affiant at the times above stated. None of said property has ever been recovered, nor has this affiant ever received any compensation for the same, or any part thereof, or heard from the same since taken, and all of the value of \$612.

JAMES BARNET.

At Wyandott, this 30th day of November, A. D. 1861, the foregoing affidavit subscribed in my presence and sworn to before me.

JAS. B. ABBOTT,
United States Indian Agent.

STATE OF KANSAS, *Wyandott, ss :*

Hannah Armstrong depose and say that I am a Wyandott Indian; that I am acquainted with James Barnet and his property; that James Barnet's affidavit has been carefully read to me, and that I know the said James Barnet owned, and had stolen from him at the times stated in his affidavit, one chestnut-sorrel horse, of the value of \$125; one light sorrel horse, of the value of \$125; one brown mare, fifteen years old, valued at \$40; one black mare, two years old, valued at \$50; one black and white cow, eight years old, valued at \$25; one brown, five-

years-old cow, valued at \$25; one red cow, three years old, valued at \$20; one black cow, three years old, worth \$20; one odd ox, worth \$30; one two-years-old steer, worth \$12; ten hogs, worth \$50, and five hogs, worth \$25; one saddle and bridle, worth \$20; one dark brown pony, worth \$45; in all \$630, as she verily believes.

HANNAH ^{her} + ARMSTRONG.
mark.

Sworn to before me and subscribed in my presence this 30th day of November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, [\$382.
State of Kansas, Wyandott County:

John Barnet, being duly sworn, deposes and says that he is a Wyandott Indian, and that in the month of June, A. D. 1858, there was stolen from him, by a person or persons unknown, one dark bay horse, eight years old, worth \$100; one two-years-old steer, black, with white spots, worth \$18; one red and white cow, six years old, worth \$20; one red two-years-old steer, worth \$18. In the month of July, A. D. 1859, one red cow, eight years old, worth \$25; one white cow, five years old, and calf, worth \$30; one yearling steer, red, white face, worth \$16; one red and white bull, seven years old, worth \$30; one bay horse, six years old, stolen in August, A. D. 1860, worth \$125. I further depose that I have no knowledge when said property went, though I suspect some was stolen by Pike's Peak emigrants, and some by butchers in this region, and that I have never received anything for any of said property, and that the aggregate value thereof is \$382.

JOHN BARNET.

STATE OF KANSAS, *Wyandott, ss:*

At Wyandott, this 19th day of November, A. D. 1861, the foregoing affidavit subscribed in my presence and sworn to before me.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Hannah Armstrong, being duly sworn, deposes that she is a Wyandott Indian, and is acquainted with John Barnet and his property, and that A. D. 1858, in June, said Barnet lost by theft one dark bay horse, eight years old, worth \$100; and in August, A. D. 1860, one other fine dark bay horse, worth \$125; in June, A. D. 1858, one two-years-old steer, black and white, worth \$18; one white two-years-old steer, worth \$18; one red and white cow, worth \$20; in July, A. D. 1859, one red cow, worth \$25; one white cow and calf, worth \$30; one yearling steer, worth \$16; one red and white bull, worth \$30; all of said property stolen at the dates mentioned in said John Barnet's affidavit, which has been carefully read to me this day, and in which statements I concur.

HANNAH ^{her} + ARMSTRONG.
mark.

Sworn to before me and subscribed in my presence this 19th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$430.]

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas*:

Sarah Armstrong, being first duly sworn, says that she is a Wyandott Indian; that in the month of September, A. D. 1858, she had stolen from her one five-years-old bay mare, worth \$90; in the month of May, A. D. 1859, she had stolen from her one black mare, seven years old, worth \$50, and one two-years-old bay colt, worth \$40, and one yearling colt, worth \$20, and one sorrel horse, four years old, worth \$100; in the month of September, A. D. 1861, she had stolen from her one bay bald-faced horse, five years old, worth \$100, and one cow and calf, both spotted; red and white cow, five years old, together worth \$30. And affiant says that all of said horses, and cow and calf, were stolen from her at the times and as stated above in this affidavit, and all stolen by persons unknown to this affiant; and affiant says that she has not seen or heard anything of said horses, of said cow and calf, since the times stated above as their having been stolen. Affiant further says that the entire value of said horses and cow and calf was \$430.

SARAH ^{her} + ARMSTRONG.
mark.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas*:

Margaret Punch, being first duly sworn, says that she is a Wyandott Indian; that she is acquainted with Sarah Armstrong, the foregoing affiant; that the said foregoing affidavit of Sarah Armstrong has been carefully read to her in her hearing, and its contents made known to her. Affiant further says that she knows that the said Sarah Armstrong was the owner of the said bay mare, black mare, bay colt, yearling colt, sorrel horse, bay bald-faced horse, and cow and calf, at the times and as stated in said Sarah's affidavit; and that all of said stock was stolen from said Sarah Armstrong at the times and as stated in said Sarah's affidavit. Affiant further says that the entire value of said property was \$430.

MARGARET ^{her} + PUNCH.
mark.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$365.]

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas*:

Susan White, being first duly sworn, says that she is a Wyandott Indian; that in the month of June, A. D. 1858, she had stolen from her one dun horse, eight years old, worth \$100; in October, A. D. 1858, she had stolen from her one gray horse, three years old, worth \$80; in May, 1859, she had stolen one sorrel mare, four years old, worth \$80; in

June, A. D. 1858, she had stolen one red cow, three years old, worth \$25; in October, A. D. 1858, she had stolen six hogs, worth \$5 each, in all worth \$30; in November, A. D. 1859, she had stolen four hogs, worth \$5 each, in all worth \$20; and one saddle and bridle, worth \$30. All of said property was stolen by persons unknown to affiant; and affiant has never received any compensation for any of said property, nor has affiant seen or heard from any of said property since the times stated above as its having been stolen. Affiant further says that the entire value of said property was \$365.

SUSAN ^{her} + WHITE.
mark.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Susan G. Zane, being first duly sworn, says that she is a Wyandott Indian; that she is acquainted with the foregoing affiant, Susan White, and that said affidavit has been carefully read in the hearing of affiant, and its contents made known to affiant. Affiant further says that she knows that the said Susan White was the owner of said dun horse, gray horse, sorrel mare, red cow, six hogs, four hogs, and saddle and bridle, worth altogether \$365; and that all of said property was stolen from said Susan White at the times and as stated in said Susan's affidavit.

SUSAN G. ^{her} + ZANE.
mark.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$460.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas:*

Isaac R. Zane, being sworn, says he is a Wyandott Indian; that in March, 1857, there was stolen from him, by persons unknown, one white cow, 7 years old, worth \$15, and at the same time, one yearling calf, worth \$10; in May, 1858, eight hogs, worth \$5 each, \$40; in October, 1857, one red and white steer, three years old, worth \$20, and at the same time, one red heifer, three years old, worth \$15; in August, 1857, twenty-one hogs, worth \$10 each, \$210; in November, 1858, one speckled part Durham cow, six years old, worth \$75; in September, 1859, ten hogs, worth \$5 each, \$50; in November, 1860, one red heifer, nearly three years old, worth \$10; in October, 1861, one large hog, worth \$15, in all \$460. And affiant further says that he has never recovered any of said property, nor received any compensation therefor.

I. R. ZANE.

Sworn to and subscribed before me this 30th November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas*:

Ebenezer O. Zane, being sworn, says he is acquainted with the above-named affiant, Isaac R. Zane, and that he knows the said affiant was the owner of the property described in his affidavit, and that it was worth \$460; and that it was stolen as stated in said affidavit, as he verily believes.

E. O. ZANE.

Sworn to and subscribed before me this 30th November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$80.

William Walker, a member of the Wyandott tribe of Indians, in the State of Kansas, after being duly sworn, deposes and says, that some time in May, 1855, a mare and colt were stolen from him under the following circumstances: The mare and colt were taken from their usual range by white people, as deponent has reason to believe, and taken as far as the Delaware Indian settlement, on a stream called the Stranger, and there either abandoned, or they got away. The said mare and colt were afterward taken up as strays by a Delaware Indian, name not recollected now, and deceased. But before deponent could send a messenger and the proof of ownership, in order to recover the said mare and colt, the latter were stolen from the Delaware by a company of emigrant Mormons, as the said Delaware stated; and from the known character of the latter for strict integrity and honesty, deponent verily believes they were stolen as stated by the Delaware. The said mare was a strawberry roan, heavily and stoutly built, seven years old; the cash value, \$50. The colt was two years old, the sire of blooded stock, valued at \$30, making \$80. Deponent further declares that he has never seen nor heard of said animals since, nor has he ever received any compensation or indemnity for the said lost property.

WM. WALKER.

Sworn to before me and subscribed in my presence this 19th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$1,250.

SHAWNEE AND WYANDOTT AGENCY,
State of Kansas, Wyandott County, ss:

Amelia and Lucy Charloe, being duly sworn, depose and say that in October, A. D. 1855, there were stolen from them of their joint property, by some person or persons to them and each of them unknown, ten hogs of the value of \$50; and that in January, A. D. 1856, they had their dwelling-house and its contents destroyed by fire, which dwelling-house was of the value of \$800. The furniture in said house and consumed with the house was worth \$300, and the wearing apparel of these affiants also consumed in said house was worth the sum of \$100.

We further depose that we are Indians, members of the Wyandott nation, and that said house, furniture, and clothing were, as we and each of us severally believe, consumed by a fire, which fire was set and lighted, as we believe, by one Anthony Hat, now deceased, and one Silas

McGregory. We further depose and say that we neither of us have ever received any pay or compensation for said hogs stolen from us, nor have we any knowledge of them since they were taken, nor for the house and goods, except \$183 which was collected of the Indians, and that the aggregate value of all of said property is \$1,250.

AMELIA ^{her} + CHARLOE.

LUCY A. ^{mark.} CHARLOE.

STATE OF KANSAS, *Wyandott, ss :*

At Wyandott, this 30th day of November, A. D. 1861, the foregoing affidavit subscribed in my presence and sworn to before me.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas :*

Elizabeth Peacock, being first duly sworn, says that she is Wyandott; that she is acquainted with the above named Amelia and Lucy Charloe, and their property; and that in October, A. D. 1855, the said Amelia and Lucy Charloe lost ten hogs that were worth in the aggregate \$50, which were stolen.

That in January, A. D. 1856, their house and its contents were burned, and must have been set on fire by some wicked and evil-disposed person. That said house was worth \$800, and that the furniture consumed in the house was worth \$300, and that the clothing consumed in the said fire was worth \$100, as this affiant verily believes.

ELIZABETH ^{her} + PEACOCK.
^{mark.}

Sworn to and subscribed before me this 30th November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$2,163.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas :*

John D. Brown, being sworn, says he is a Wyandott Indian; that there were stolen from him by persons unknown, in October, 1856, one brown mare, four years old, and colt, worth \$40; one three-year-old dun colored colt in August, 1857, worth \$60; in May, 1857, one bay pony, six years old, worth \$40; in September, 1857, twenty hogs, worth eight dollars each, \$160; in September, 1858, twenty-nine hogs, worth each eight dollars, \$231; in September, 1859, twenty hogs, worth eight dollars each, \$160; in November, 1859, seventy-seven hogs, worth four dollars each, \$308; in November, 1858, two speckled steers, two years old, worth \$30; and at the same time one yearling heifer, red color, with white face, worth \$4; in January, 1859, one rifle gun, worth \$30; in August, 1858, \$1,100 in gold stolen from my safe, as I believe, by a grocery-keeper in Wyandott City; in all \$2,163; and affiant further says he has never recovered any of said property, nor received any compensation therefor.

JOHN D. BROWN.

Sworn to and subscribed before me this 30th day of November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$175.]

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Isaac Z. Long, being first duly sworn, says that he is a Wyandott Indian ; that in the month of October, A. D. 1859, he had stolen from him one seven-year-old sorrel mare, worth \$100. In the month of November, of the same year, he had stolen from him one dark bay horse, nine years old, worth \$75—both said mare and horse taken by persons unknown to affiant ; and affiant says that he has never seen or heard anything from said mare or horse since October and November, A. D. 1859, and that he has never received any compensation whatever for either said mare or said horse, and that the mare and horse together were worth \$175.

ISAAC Z. LONG.

Sworn to before me and subscribed to in my presence this — day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Noah Zane, being first duly sworn, says he is a Wyandott Indian ; that he is acquainted with the foregoing affiant, Isaac Long ; that he knows that in October, A. D. 1859, said Isaac was the owner of one seven-year-old sorrel mare, worth \$100, and that during said October said mare was stolen from said Isaac by some unknown person. Affiant further says that in November, A. D. 1859, said Isaac was the owner of one dark bay nine-year-old horse, worth \$75 ; and during said November said horse was stolen from said Isaac by some person unknown to this affiant. Affiant has never seen or heard from said horses since stolen as aforesaid, as he verily believes.

NOAH ZANE.

Sworn to before me and subscribed to in my presence this — day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$640.]

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Ebenezer O. Zane, being sworn, says he is a Wyandott Indian ; that in September, 1857, there were stolen from him by one Thomas Robinson, as he believes, two four-year-old steers, and in the same month three five-year-old red steers, worth on an average about \$25 each ; in October, 1857, by persons unknown, two red steers, four years old, worth \$25 each ; at the same time, two white spotted steers, four years old, worth \$30 each ; in June, 1859, one red and white spotted cow, seven years old, worth \$20 ; in December, 1859, one brindle heifer, three years old, worth \$15 ; in November, 1868, one sorrel horse, five years old, worth \$100 ; in December, 1859, one black mare pony, three years old, worth \$40 ; in September, 1868, twenty hogs, worth \$6 each ; during the summer and fall of 1860, twenty-four hogs, worth \$5 each ; and on the 27th of March, 1860, one fine boar, worth \$15—in all \$640 ; and affiant further

says he never recovered any of said property nor received compensation for any of it.

E. O. ZANE.

Sworn to and subscribed before me this 14th day of November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT INDIAN AGENCY, *State of Kansas* :

Isaac R. Zane being sworn, says he is acquainted with Ebenezer O. Zane, the above-named affiant; that he has heard his affidavit carefully read, and that the statements therein contained are true, as he verily believes.

I. R. ZANE.

Sworn to and subscribed before me this 14th day of December, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[§100.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Jane Jackson, being first duly sworn, deposes that she is a Wyandott Indian; and that in April, A. D. 1865, there were stolen from her, by some person or persons unknown, one iron-gray mare, three years old, worth \$80; and one gray colt, worth \$20—all of the value of \$100; and that she has no knowledge what became of said animals, nor has she ever recovered them or received any pay or compensation for them from any quarter.

JANE ^{her} + JACKSON.
mark.

STATE OF KANSAS, *Wyoming, ss* :

At Wyandott, this 18th day of November, A. D. 1861, the foregoing affidavit subscribed in my presence and sworn to before me.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Susan G. Zane, being sworn, says she is acquainted with Jane Jackson, the above-named affiant, and she knows the said affiant to have been the owner of the property described in her affidavit, and that it was of the value therein stated, and that it was stolen at the times named, and that the said affiant never recovered or received any compensation therefor, as she verily believes.

SUSAN G. ZANE.

Sworn to and subscribed in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Elizabeth Cotter, being sworn, says she is a Wyandott Indian; that she is the guardian of Mary Jane Williams, an orphan and a Wyandott

Indian; that the said Mary Jane Williams was heir to one bay mare, seven years old, worth \$80; one brown pony, five years old, worth \$70, and one dark chestnut horse, seven years old, worth \$75; that the two animals first-named were stolen, as this affiant believes, by a man named Eaton, in September, 1860, and the third described animal was stolen by persons unknown about the 1st of November, 1861, and that none of the above-described property (valued in all at \$225) has been recovered or any compensation therefor received.

ELIZABETH ^{her} + COTTER.
mark.

Sworn to and subscribed before me this 30th day of November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Peter Charloe, being sworn, says he is acquainted with the above named affiant, Elizabeth Cotter, and with her ward, Mary Jane Williams, named in the above affidavit, and that he knows the said Mary Jane Williams was the heir to and owner of the property described in the above affidavit, and that it was of the value therein stated, and was stolen as stated in said affidavit, as he verily believes.

PETER ^{his} + CHARLOE.
mark.

Sworn to and subscribed before me this 30th day of November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$200.]

SHAWNEE AGENCY, *State of Kansas* :

Peter Charloe, being first duly sworn, says he is a Wyandott Indian, and that in the spring of 1859 he had stolen from him one dark bay horse, seven years old; said horse was very fine, and cost him \$150, and was worth that sum when he was stolen; and he says, further, that in the spring of 1858 he had stolen from him one white and black cow, seven years old, worth \$25; and the same spring he had stolen one colt, three years old, worth \$25; and that the whole amounted to \$200; and that he has never recovered any of the above property, nor received any pay for any part of it.

PETER ^{his} + CHARLOE.
mark.

Sworn to before me and subscribed in my presence this 30th day of November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$370.]

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Susan G. Zane, being first duly sworn, deposes that she is a Wyandott Indian, and that in the month of July, A. D. 1857, there were stolen from her by some person or persons unknown, one bay horse, three years

old, worth \$125 ; and in the month of June, A. D. 1858, one black horse, six years old, worth \$100, one brown horse, six years old, worth \$110 ; one saddle and bridle, worth \$35—all of the value of \$370 ; that she has never recovered any of said property, or received any pay for the same, or any part thereof, and has no knowledge where the same went.

SUSAN G. ZANE.

STATE OF KANSAS, *Wyandott County, ss :*

At Wyandott, this 18th day of November, A. D. 1861, the foregoing affidavit subscribed in my presence and sworn to before me.

JAS. B. ABBOTT,
United States Indian Agent.

[\$675.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas, ss :*

Mary Kayraahoo, jr., being duly sworn, says she is a Wyandott Indian ; that there was stolen from her in March, 1858, by persons unknown, one iron-gray horse, five years old, worth \$120 ; in September, of the same year, one bay mare, four years old, worth \$80 ; and at the same time one bay mare colt, two years old, worth \$50 ; at the same time, one black mare, three years old, worth \$60 ; and one sorrel colt, two years old, worth \$20 ; in January, 1861, one black mare, four years old, worth \$70 ; in March, 1861, one pale sorrel, white-faced horse, three years old, worth \$90 ; and one white horse, four years old, worth \$85 ; stolen, as she believes, by a soldier in the service of the United States ; also, in July, 1860, one red, white-faced cow, six years old, worth \$30 ; stolen, as she believes, by a butcher in Wyandott City ; one red cow, five years old, worth \$25 ; one black brindle cow, three years old, worth \$20 ; all the cattle were stolen, as she believes, by the butcher before mentioned. And one new side saddle, worth \$25, stolen by some person not known. And deponent says she has never seen or heard of any of said property since it was stolen, nor received any compensation therefor—in all \$675.

MARY ^{her} + KAYRAHOO, JR.
mark.

Sworn to and subscribed before me this 13th day of November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas :*

Mary Kayraahoo, 3d, being sworn, says she is a Wyandott Indian, and that she is acquainted with the within-named affiant, and that she was the owner of the property described in her affidavit at the times therein specified, and that it was stolen, as therein set forth, as she verily believes.

MARY ^{her} + KAYRAHOO.
mark.

Sworn to before me and subscribed in my presence this 13th day of December, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$155.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Harriet W. McMullen, being sworn, says she is a Wyandott Indian; that there was stolen from her, by persons unknown, in February, 1858, one dark bay mare, worth \$75; one sorrel colt, three years old, worth \$50; and one yearling colt, worth \$50—in all \$155. And affiant further says she never recovered any of above property, nor received any compensation therefor.

HARRIET W. McMULLEN.

Sworn to and subscribed before me this 30th day of November, 1861.

JAS. B. ABBOTT,
*United States Indian Agent.*SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

David P. Clement, being sworn, says he is acquainted with the above-named affiant, Harriet W. McMullen, and knows her to have been the owner of the property described in her affidavit about the time that it is therein stated to have been stolen, and that it is worth \$155, and that it was stolen, as stated by said affidavit, as he verily believes.

D. P. CLEMENT.

Sworn to and subscribed before me this 30th November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$169 50.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

James Peacock, being sworn, says he is a Wyandott Indian; that there was stolen from him, by persons unknown, in October, 1860, one sorrel, bald-faced horse, six years old, worth \$150; at same time, one saddle, worth \$15, and one bridle, worth \$4 50—in all \$169.50. And affiant further says he never recovered said horse, saddle, or bridle, nor received any compensation therefor.

JAMES ^{his} + PEACOCK.
mark.

Sworn to and subscribed before me this 19th day of November, 1861.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Catherine Johnson, being sworn, says she is acquainted with James Peacock, the above-named affiant; and that she knows he was the owner of the horse, saddle, and bridle mentioned in his affidavit, and that they were of the value as therein stated; and that they were stolen, as stated in the affidavit, as she verily believes.

CATHERINE ^{her} + JOHNSON.
mark.

Sworn to before me and subscribed in my presence this 19th day of November, 1861

JAS. B. ABBOTT,
United States Indian Agent.

[\$140.]

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Hannah Zane, jr., being sworn, says she is a member of the late tribe of Wyandott Indians; that there were stolen from her, by persons unknown, in August, 1858, one bay mare colt, with one glass eye, two and a half years old, worth \$50; in October, 1858, one sorrel white-faced horse-colt, two and a half years old, worth \$60; and in September, 1857, one large red steer, four years old, worth \$30—in all, \$140; and affiant further says she never recovered any of said property, nor received any compensation therefor.

HANNAH ^{her} + ZANE, JR.
mark.

Sworn to and subscribed before me this 30th November, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Isaac R. Zane, being sworn, says he is acquainted with the above-named affiant, Hannah Zane, jr., and that he knows she was the owner of the property described in her affidavit, and that it was worth \$140, and was stolen, as set forth in the above affidavit.

ISAAC R. ZANE.

Sworn to and subscribed before me this 30th November, 1861.

[\$150.]

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Hannah Zane, sr., being sworn, says she is a member of the late tribe of Wyandott Indians; that in October, 1856, there was stolen from her, by persons unknown, one roan mare, age forgotten, worth \$50; in July, 1857, one black horse, ten years old, worth \$50; and in August, 1855, one bay horse, seven years old, worth \$50, and in the month of August, 1861, she had \$100 stolen out of her trunk; and affiant further says she never recovered any of said property, nor received compensation for it.

HANNAH ^{her} + ZANE.
mark.

Sworn to and subscribed before me this 13th day of December, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Isaac W. Zane, being sworn, says he is acquainted with Hannah Zane, sr., the above-named affiant, and that he knows her to have been the owner of one roan mare, worth \$50, in October, 1856; in July, 1857, of one black horse, worth \$50; in August, 1855, of one bay horse, seven years old, worth \$50; in all, \$150; and that the horses before described were stolen from the said Hannah Zane, sr., in the months of October, 1856, July, 1857, and August, 1855, respectively, by persons unknown, as he verily believes.

ISAAC W. ^{his} + ZANE.
mark.

Sworn to and subscribed before me this 13th day of December, 1861.

JAS. B. ABBOTT.

SHAWNEE AGENCY, *State of Kansas* :

George Spybuck, being first duly sworn, says that he is a Wyandott Indian, and that, in the summer of 1856, he had stolen from him one fine gray horse, worth \$100, and that he has no knowledge who stole it, nor has he ever received any pay for him.

SHAWNEE AGENCY, *State of Kansas* :

Margaret D. Solomon, being first duly sworn, says that, during the year 1856, she lived near the house of George Spybuck, the above claimant, and knew the gray horse mentioned in said Spybuck's affidavit, and knows him to have been stolen, and that he was worth \$100, and that he, Spybuck, never found said horse, nor ever received any pay for him, as she verily believes.

MARGARET D. ^{her}+ SOLOMON.
mark.

Sworn to before me and subscribed in my presence, this 13th day of December, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$351.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Sarah Bigtree, being first duly sworn, deposes that she is a Wyandott Indian, and that in December, A. D. 1857, there were stolen from her, by some person or persons unknown, one red cow, three years old, worth \$20; one red and white steer, three years old, worth \$25; nine head of hogs, worth \$36; also, in March, A. D. 1858, there were stolen from this affiant one fine sorrel horse, four years old, worth \$70; and in May, of the same year, one bay horse, six years old, worth \$100; and in October, A. D. 1861, there were stolen from this affiant one gray horse, seven years old, worth \$70; and one gray pony, three years old, worth \$30; amounting in value, in the aggregate, to \$351. And this affiant has no knowledge of what became of said property since it was stolen, nor has she ever received any compensation for the same, or been able to recover it, or any part thereof.

SARAH ^{her}+ BIGTREE.
mark.

STATE OF KANSAS, *Wyandott County*, ss :

At Wyandott, this 18th day of November, A. D. 1861, the foregoing affidavit subscribed in my presence and sworn to before me.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Mary Moore, being sworn, says she is acquainted with Sarah Bigtree, the within-named affiant, and that she knows her to have been the owner of the property described in the within affidavit, and that it was worth \$351, and that it was stolen as within stated, as she verily believes.

MARY MOORE.

Sworn to before me and subscribed in my presence this 19th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$190.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Elizabeth Peacock, being first duly sworn, says that she is a Wyandott Indian; that in the month of May, A. D. 1858, she had stolen from her one four-year old black mare, worth \$50; one bay pony, five years old, worth \$60; that in the month of January, A. D. 1856, she had \$80 worth of clothing burned in Mrs. Amelia and Lucy Charloe's house. Affiant further says that the said mare and pony were stolen by persons unknown to affiant, and that she has never seen or heard from either of them since May, A. D. 1858, nor has she seen or heard of her said clothing since the burning of said house of Amelia and Lucy Charloe in January, A. D. 1856; said clothing was left at said house by affiant. Affiant, further says that she has never received any compensation for either said pony or said mare, or for said clothing. The whole value of said pony, mare, and clothing was \$190.

ELIZABETH ^{her} + PEACOCK.
mark.

Sworn to before me and subscribed in my presence this 13th day of December, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Mary Kayraho, jr., being first duly sworn, says that she is a Wyandott Indian; that she is acquainted with Elizabeth Peacock, the foregoing affiant; that she knows that said Elizabeth Peacock was the owner of one four-year-old black mare, worth \$50; and one five-year-old bay pony, worth \$60, in May, A. D. 1858, during which month said mare and pony were stolen from said Elizabeth. Affiant further says that said Elizabeth owned \$80 worth of clothing that was in the dwelling-house of affiant and Lucy Charloe, which was burned in January, A. D. 1856, and that said clothing was all burned with said house, every effort being made to save said clothing to no purpose.

MARY ^{her} + KAYRAHOO.
mark.

Sworn to before me and subscribed to in my presence this 13th day of December, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$205.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Tabitha N. Armstrong, now Mrs. Pedder, being sworn, says she is a Wyandott Indian; that in May, 1857, there were stolen from her by persons unknown, one red cow, six years old, and calf, worth \$30; in June, 1847, one sorrel horse, with one white hind foot, worth \$150; and one new light-colored cloth cloak, stolen from the house, worth \$25; in all \$205; and affiant further says she has never received any of said property, nor received compensation for it.

TABITHA N. PEDDER.

Sworn to and subscribed before me this 14th day of December, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Henry Clay Long, being sworn, says he is acquainted with Tabitha N. Armstrong, now Mrs. Pedder, the above-named affiant, and that he knows her to have been the owner, in May, 1857, of one red cow, six years old, and calf, worth \$30; in June, 1857, of one sorrel horse, worth \$150; and one new light-colored cloth cloak, worth \$25, and that all of said property was stolen from said affiant by persons unknown, about the times herein stated as belonging to her, as he verily believes.

HENRY C. LONG.

Sworn to and subscribed before me this 13th day of December, 1861.

JAS. B. ABBOTT,
United States Indian Agent.

[\$1,052.

SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Teresa Long, being first duly sworn, says that she is a Wyandott Indian; that in the month of May, A. D. 1856, she had stolen from her one two-years-old sorrel mare, worth \$40; in the month of July, A. D. 1857, she had stolen from her one sorrel mare, eight years old, worth \$100; one dark bay, five-years-old horse, worth \$60; one light sorrel, three-years-old mare, worth \$50; one yearling colt, bay, worth \$20; in the month of June, A. D. 1858, she had stolen from her one brown mare, five years old, worth \$50; one two-years-old mare colt, sorrel, worth \$40; one suckling-horse colt, worth \$5; in the month of December, A. D. 1858, she had stolen from her one brindle two-years-old heifer, worth \$15; in the month of June, A. D. 1859, she had stolen from her one five-years-old red cow, worth \$20; one two-years-old red heifer, worth \$15; one red yearling steer, worth \$5; in the month of September, A. D. 1856, she had stolen from her one large bay mare, nine years old, worth \$100; in October, A. D. 1856, she had stolen from her thirty fattening hogs, worth \$5 each, making \$150; in the month of November, A. D. 1857, she had stolen from her twenty-five hogs, worth \$5 each, in all worth \$125; in the month of October, A. D. 1858, she had stolen from her twenty-five head of hogs, worth \$5 each, making in all \$125; in September, A. D. 1859, she had stolen from her eighteen hogs, worth \$4 each, in all worth \$72; in the month of October, A. D. 1860, she had stolen from her fifteen head of hogs, worth \$4 each, in all worth \$60. All the above property was stolen by persons unknown to affiant, and affiant has never seen or heard from any of said property since the time stated as their having been stolen. Affiant further says that she has never received any compensation for any of the aforesaid property, and that its entire value was \$1,052.

TERESA ^{her} + LONG.
mark.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
*United States Indian Agent.*SHAWNEE AND WYANDOTT AGENCY, *State of Kansas* :

Margaret Pipe, being first duly sworn, says that she is a Wyandott Indian; that she is acquainted with the foregoing affiant, Teresa Long;

that the foregoing affidavit of the said Teresa Long has been carefully read in affiant's hearing, and its contents made known to her; that she knows that said Teresa Long was the owner of said two-years-old sorrel mare and eight-years-old sorrel mare, dark bay five-years-old horse, light sorrel five-years-old horse, light sorrel three-years-old mare, bay yearling colt, brown mare, two-years-old sorrel colt, sucking horse colt, brindle heifer, red cow, red two-years-old heifer, red yearling steer, large bay mare, thirty fattening hogs, twenty-five hogs, and twenty-five hogs, eighteen hogs, and fifteen hogs, at the times and as stated in said Teresa Long's affidavit, and that all of said property was stolen, as stated in said affidavit, and that the entire value of said property was \$1,052.

MARGARET ^{her}+ PIPE.
mark.

Sworn to before me and subscribed to in my presence this 18th day of November, A. D. 1861.

JAS. B. ABBOTT,
United States Indian Agent.

LETTER
OF
THE SECRETARY OF THE NAVY
COMMUNICATING,

In compliance with a resolution of the Senate of February 18, 1870, information in relation to a settlement with the Corliss Steam Engine Company for naval engines manufactured for the government.

APRIL 6, 1870.—Referred to the Committee on Naval Affairs and ordered to be printed.

NAVY DEPARTMENT,
Washington, March 31, 1870.

SIR: In compliance with the following resolution of the Senate of the date of the 18th ultimo—

Resolved, That the Secretary of the Navy be, and he hereby is, requested to inform the Senate whether or not a settlement has lately been made by the department with the Corliss Steam Engine Company for naval engines manufactured for the government; and, if so, to state the particulars of such settlement, who negotiated it, how much has been paid, or found due, said company, and whether or not any deductions were made from the contract price on account of unfinished work; and, if so, whether the deduction was smaller than those reported by the board of officers appointed to examine the engines; and also to furnish the Senate with a copy of so much of the report of each officer as relates to these engines—

I have the honor to inclose herewith the report of the Chief of the Bureau of Steam Engineering, containing the report of the board of officers appointed to examine and report upon these engines, dated the 26th day of April, 1869; also the letter containing the propositions made by the Corliss Steam Engine Company, upon which the settlement was made, dated May 14, 1869, and the particulars of the settlement as made at that time.

By these reports it appears that the sum fixed by the board, as the amount which would be due from the government to all the contractors upon the completion of engines sufficiently for their removal to the navy yards for storage, was the sum of two hundred and ninety-nine thousand and sixty-eight dollars and forty cents, (\$299,068 40.)

The language of the report on this subject is as follows:

Should these contracts be completed as far as they can be, with a view to storing them in navy yards, there would be a deduction upon each of the 60-inch by 36-inch engines of about fifteen thousand dollars, (\$15,000,) and upon the 100-inch engines of about fifty thousand dollars, (\$50,000,) making total deduction of one hundred and twenty-five thousand dollars, (\$125,000,) leaving a balance (after deducting the cost of extra work in erecting the 100-inch engines) of two hundred and ninety-nine thousand and sixty-eight dollars and forty cents (\$299,068 40) to be paid by the government for storing them.

Of this \$299,068 40, on the estimation made by the board, the sum of one hundred and eleven thousand five hundred and forty-nine dollars and fifteen cents (\$111,549 15) would be due to the Corliss Steam En-

gine Company for the 60-inch engines, and one hundred and forty-seven thousand and sixty-eight dollars and twenty-five cents (\$147,068 25) for the 100-inch engines, making altogether the sum of two hundred and fifty-eight thousand six hundred and seventeen dollars and forty cents (\$258,617 40) due the said company.

After the coming in of the report, and on the 14th of May, the above-quoted letter was received from the Corliss Steam Engine Company, making an alternative offer to cancel the contracts and take back the engines at a loss to the government of all that had been paid and an additional sum of one hundred and fifty thousand dollars, (\$150,000,) or to deliver them, in a sufficient state of completion for storage at the Charlestown navy yard, for the sum of two hundred and fifty-nine thousand and sixty-eight dollars and forty cents, (\$259,068 40.)

The latter proposition, according nearly in amount with the report of the board as above quoted, was accepted at the time by the bureau, by direction of the department, and the settlement then made in accordance therewith; some small further deductions being made, and the indebtedness of the department to the company being fixed at two hundred and fifty-seven thousand six hundred and eighty-eight dollars, (\$257,688.)

By this settlement there was thus deducted, for unfinished work, on the 60-inch by 36-inch engines fifteen thousand dollars, (\$15,000,) and on the 100-inch by 48-inch engines (including the bills for erection) fifty-six thousand four hundred and seventy-six dollars, (\$56,476,) making a total reduction of seventy-one thousand four hundred and seventy-six dollars and fourteen cents (\$71,476 14) from what would have been due the Corliss Steam Engine Company if their contracts had been entirely completed.

It was understood at the time that the bureau would not be able to pay the money out of the current appropriations, and that Congress should be asked to appropriate the amount so found to be due.

This arrangement having been definitely made with the company, and they having given up their contract and delivered the engines upon it, the bureau was directed, on the 8th day of December, 1869, to give them, in lieu of the contract by them surrendered, a memorandum of the amount so agreed upon as due them on the settlement, which was accordingly done.

And Congress has been asked to appropriate the amount for their payment, together with others having liquidated claims of like character.

Though the settlement was concluded some months before the present Secretary came into office, the matter has, since the receipt of the Senate resolution, been re-examined as far as the information now at the command of the department admits of, and it is found that, though the examination and report was had for the information of the department, the settlement was in fact made in acceptance of the proposition of compromise on the part of the contractors, who had valid contracts with the government, and who were entitled to the option of carrying them out or abandoning them; the offer appears to have been made and accepted independently of the report, which, though used for the information of the department, was not in any way binding upon the contractors, nor, as far as is ascertained, ever shown to them.

The report of the board, although to some extent uncertain, nevertheless does fix, in specific language and figures as above quoted, the amount which would be due to the contractors, including the Corliss Steam Engine Company, on the completion of the engines for storing

and their transportation to the Charlestown navy yard, and that at a sum larger than that actually allowed.

Two of the members of this board, (the third being out of the country,) when called upon for explanation of the uncertain expressions of their report, explained that they did not intend to be understood as recommending the allowance of so large an amount for the 100-inch engines; but the details of this explanation seem to be at variance with the words and figures of the original report, out of proportion with its recommendations in regard to the other engines, and inconsistent with the actual state of forwardness of the engines referred to at the time, and also with the formal proposition of the responsible contractors. And the department, under the circumstances, feels bound by the compromise actually made with the contractors, who, upon agreeing to it, gave up their right to complete and demand payment in full for a contract understood to be profitless to the government. It may not be improper, also, to add that these contractors, who are understood to be responsible, insist that the allowance made in the settlement was by no means too large, and, in illustration of the fairness of their demand, have offered, on the fair carrying out of the rest of the settlement, to complete the 100-inch engine (the only one about which any question is raised) according to the original contract.

Very respectfully, your obedient servant,

GEO. M. ROBESON,
Secretary of the Navy.

Hon. SCHUYLER COLFAX,
Vice-President of the United States and President of the Senate.

NAVY DEPARTMENT, BUREAU OF STEAM ENGINEERING,
February 24, 1870.

SIR: In compliance with your order to give the information required by the following resolution of the Senate—

“Resolved, That the Secretary of the Navy be, and he hereby is, requested to inform the Senate, whether or not a settlement has lately been made by the department with the Corliss Steam Engine Company for naval engines manufactured for the government; and if so, to state the particulars of such settlement, who negotiated it, how much has been paid, or found due, said company, and whether or not any deductions were made from the contract price on account of unfinished work; and, if so, whether the deduction was smaller than those reported by the board of officers appointed to examine the engines, and also to furnish the Senate with a copy of so much of the report of each officer as relates to these engines”—

I have the honor to state that a contract was made, April 26, 1863, with the Corliss Steam Engine Company of Providence, Rhode Island, for a pair of engines and accompanying boilers, known as the 100-inch cylinders, for the United States steamer Pompanoosuc, and on the 13th of November, 1863, a contract was made with the same company for a pair of engines and accompanying boilers, known as the 60-inch by 36-inch, for the United States steamer Illinois.

The contract price of the former was \$730,000, delivered and erected in the vessel at the Charlestown navy yard; of the latter, was \$415,000, delivered and erected in the vessel at the Portsmouth navy yard.

Up to the 4th of March, 1869, bills for extra work had been allowed, of \$7,519 25 on the former, and \$11,549 15 on the latter, making a total of \$737,519 25 on the 100-inch engine, and a total of \$426,549 15 on the 60-inch by 36-inch engine.

There had been paid on the former \$560,000, and on the latter \$300,000 to that date.

On the 30th of March, 1869, the Honorable Secretary of the Navy ordered a board, consisting of Captain J. H. Strong, Chief Engineers B. F. Garvin and Edward Fithian, to examine and estimate upon the unfinished machinery under contract at the several engine establishments, with a view to obtain a release from the contracts, if, in the opinion of the board, such a release would be for the interest of the government.

The board made a report on the 26th of April, 1869, of which the following is a copy :

"NAVY YARD, NEW YORK, April 26, 1869.

"SIR: In obedience to the order of the honorable Secretary of the Navy of 30th of March, to examine and estimate upon the unfinished steam machinery and tools now being constructed at different establishments, with a view of obtaining a release from the contracts, if in our opinion such a release would be for the interest of the government, we have respectfully to report :

"The following is a list of the engines and the amounts due on contracts and reservations upon completion :

Daniel McLeod, balance on reservation for one pair 60-inch by 36-inch engines.....	\$30,000 00
John Roach, balance on reservation for three pairs, 60-inch by 36-inch engines.....	90,000 00
Corliss Steam Engine Company's, balance on contract for one pair 60-inch by 36-inch engines.....	100,000 00
Extra bills on same.....	11,549 15
Corliss Steam Engine Company's, balance due on contract for one pair 100-inch engines.....	140,000 00
Extra bills on same.....	7,068 25
	378,617 40

"In addition to this amount there should be added to complete the contracts, for extra work, in addition to that already charged, which would have to be done on the 100-inch engines in the course of erection, which, in proportion to those already finished, would amount to twenty-five thousand dollars, (\$25,000); also an extra allowance for transportation to the Corliss Steam Engine Company, of fifteen thousand dollars (\$15,000) for the 60-inch by 36-inch engines, and thirty thousand dollars (\$30,000) for the 100-inch engines; making a total of four hundred and forty-nine thousand and sixty-eight dollars and forty cents (\$449,068 40) to complete the contracts.

"We estimate the cost to the contractors to complete the contracts to be the amount now due them, except upon the 60-inch by 36-inch engines at the Corliss Steam Engine Company, which would cost about fifteen thousand dollars, (\$15,000.)

"Should these contracts be completed as far as they can be, with a view to storing them in navy yards, there would be a deduction on each of the 60-inch by 36-inch engines of about fifteen thousand dollars, (\$15,000,) and upon the 100-inch engine of about fifty thousand dollars, (\$50,000,) making a total reduction of one hundred and twenty-five thousand dollars, (\$125,000,) leaving a balance, after deducting the cost of extra work in erecting the 100-inch engine, of two hundred and ninety-nine thousand and sixty-eight dollars and forty cents, (\$299,068 40,) to be paid by the government for storing them.

"If the department should decide to dispose of these engines in their present condition, we estimate as follows:

"The 60-inch by 36-inch engines, taking their weight as old material, should bring about thirty-seven thousand dollars, (\$37,000.)

"We have received propositions from the different contractors, the best being from Mr. John Roach, of the Morgan Iron Works, in New York, who being engaged in the marine-engine business would enable him, at some future time, to use some of the smaller detail parts, and he will allow forty thousand dollars (\$40,000) for each of them, in addition to the balance due on reservation. We are of the opinion that forty-five thousand dollars (\$45,000) could be obtained for each at the establishments in New York and Brooklyn, and for the one at the Corliss Steam Engine Company's establishment, being further away from the market, thirty-five thousand dollars, (\$35,000.) In the same proportion by weight, the 100-inch engines should be valued at eighty-two thousand dollars, (\$82,000,) making a total of two hundred and ninety-seven thousand dollars (\$297,000) paid back to the government. This, added to the outlay required to complete the engines for storing, amounts to five hundred and ninety-six thousand and sixty-eight dollars and forty cents, (\$596,068 40.)

"From this amount must be deducted the balance due the Corliss Steam Engine Company on contract for the 60-inch by 36-inch engine, and the amount of extra bills now pending, less the deduction to be made in case the 60-inch by 36-inch engine should be stored, amounting to one hundred and four thousand and sixty-eight dollars and forty cents, (\$104,068 40,) leaving a balance of four hundred and ninety-two thousand dollars (\$492,000) retained by the government by disposing of the engines in their present condition.

"We have visited the establishments now having contracts for the building of tools, and respectfully state as follows:

"At the Providence Steam Engine Company the tools are in various stages of progression. There are bolt-forging machines, with water-front forges finished, to the amount of twenty-two thousand eight hundred dollars, (\$22,800.)

"There are six nut-forging machines, amounting to sixty thousand dollars, (\$60,000,) that will require about eight thousand dollars (\$8,000) to complete.

"There are other machines, amounting to nine thousand seven hundred and twenty-five dollars, (\$9,725,) with the drawings and some of the patterns made, viz :

One cast-iron emery wheel stand	\$975
One steam-engine for Charlestown navy yard.....	6,000
One machine for making rivets and stay bolts.....	2,750
	9,725

"The whole amount of the contract is \$92,525, upon which a payment has been made of \$40,000. The contractor states that the bolt and nut forging machines are patented articles, and as he has the right to use them only in navy yards they would be of no use to him except as old material, and makes the following offer: He will allow for them \$5,500, and deduct \$8,000 for non-finishing for the machines having the drawings and some of the patterns made; he agrees to cancel the contract for thirty per cent. of the price named for them, making a deduction of \$20,307 50. Notwithstanding the very small demand for this kind of tool of this size, and the difficulty in disposing of them, even should the restrictions of the patent be removed, we think a better settlement could be obtained upon the following basis, which we respectfully suggest:

"That he be allowed a profit of thirty per cent. upon the whole contract, and the amount expended on the tools, for which latter amount he shall allow the government a percentage agreed upon, and retain the tools.

"Taking into consideration all the unfavorable circumstances, they should be worth twenty-five per cent. of the amount expended. The result would be as follows:

Whole amount of contract.....	\$92,525 00
Profits at thirty per cent.....	27,757 50
Amount expended on tools.....	49,960 00
Twenty-five per cent. on amount expended.....	12,490 00
Payment received on contract.....	40,000 00

"This would make a deduction of \$25,227 50.

"The tools at the establishment of John Roach are in various stages of progression. One lot amounting to \$69,931 are finished ready for delivery. Another amounting to \$226,614 67 are more than half completed, there being made for them the drawings, patterns, and over eight hundred thousand pounds of iron and brass castings, and wrought-iron forgings, and to complete them would cost about \$72,000, and upon the remainder there have been expended \$32,000.

"The whole contract amounts to \$409,000, being about \$24,000 more than is shown by schedule furnished by the department. This increase is in consequence of alterations being made in the size of some of the tools after the contract was made by orders of the Bureau of Steam Engineering which was shown. A payment on account of \$109,500 has been made. The contractor offers to cancel the contract on the following terms:

"That he should receive a profit of twenty-five per cent. on the whole contract, and the amount expended on the tools, and let the government take them as they are, or he will allow the government fifty per cent. on the amount expended and retain them, viz :

Whole amount of contract.....	\$409,000 00
Profits at 25 per cent.....	102,250 00
Amount expended on tools at 25 per cent.....	182,409 25
Fifty per cent. on amount expended.....	91,204 61
Payment received on contract.....	109,500 00

"This would leave a balance due the contractor of \$84,504, making a difference of about \$215,000.

"We are of the opinion that twenty-five per cent. would be a fair profit, which would reduce the amount due the contractor to about \$71,000.

"The tool at the Lowell Machine Company's establishment is a horizontal boring-lathe, to swing twelve feet diameter, designed for boring cylinders. The contract price is \$15,000, upon which a payment has been made of \$7,500. We estimate that, at the date of our visit, it would cost about \$1,500 to finish it. The contractor would make no proposition for canceling the contract, stating that it was not a tool that he could sell.

"The board are of opinion that cylinders of a diameter requiring a tool of this size should be bored in a perpendicular position and not horizontally, and consequently useless for the purpose for which it was intended. We, therefore, recommend it to be disposed of on the most advantageous terms that can be obtained.

"The board, after a careful examination of the engines and tools now being con-

structed, and considering the probable wants of the service, have come to the following conclusions, which are respectfully submitted :

"There are seven pair of these 60-inch by 36-inch engines with boilers stored in the different navy yards at present, which, should they be used, will perhaps be as many as the government will require for some years to come.

"There will doubtless be many improvements made in the construction of steam engines before they will be required, which, combined with their objectionable features, make it reasonable to suppose that they will never be used. Engines can now be built, as we are informed, developing the same power, the same speed guaranteed, taking up less room, and about one-third less in weight, for one hundred and fifty thousand dollars; and as prices are not likely to advance, we are of the opinion that the government can at any future time have engines built of an improved design on advantageous terms.

"These engines would be unsalable for the merchant marine service, for the reasons that other plans are being adopted, and on account of their weight and the room they occupy, and for the reason that we are not aware that there is a steamship now being built in the United States that would require engines of this size.

"The same objections apply to the 100-inch engines. To complete these engines for storing, and the labor of moving and taking care of them, would cost a larger amount of money, for which perhaps no return would ever be realized, as it will no doubt be to the best interest of the government to encourage any new improvements there may be made. We are of the opinion that it would be for the best interest of the government to dispose of them on the most advantageous terms offered; and, taking into consideration the condition of the market, their actual value as old material, and the cost of breaking up and transportation, we think better terms should be obtained from the contractors than from other parties.

"With regard to the tools, we have to say they are tools of the first class, being built on the most improved plans that could be obtained from the best establishments in Europe, and would be invaluable to the government if the wants of the service required them; but the navy yard shops are now well supplied for doing any work that may be required for many years, and they would, therefore, particularly the larger class, remain comparatively idle. They would be unsalable, as they are mostly of a class and size that no private establishment in this country has any use for, particularly at the present time, and we do not think that they would bring now thirty per cent. of their value if sold to other parties.

"Should they all be finished and delivered, it would be difficult to find room for them in the present shops of the navy yards. If the department decides that these tools are not required, and desire to cancel the contracts, we think the contractors are disposed to deal upon favorable terms; and, although there would be some losses sustained, we are of the opinion that in the end they would be overbalanced by purchasing such tools as may be required at any future time, as the market is falling. Any disposition the department may desire to make can probably be made to a better advantage at the present time, as owing to the present condition of business the prices are likely to continue to decline.

"We are, very respectfully, your obedient servants,

"J. H. STRONG,

"Captain United States Navy and President of Board.

"BENJ. F. GARVIN,

"Chief Engineer.

"EDWIN FITHIAN,

"Chief Engineer.

"Hon. A. E. BORIE,

"Secretary of the Navy, Washington, D. C."

On the 14th of May, 1869, the Corliss Steam Engine Company, by George H. Corliss, its president, addressed a letter to the honorable Secretary of the Navy, of which the following is a copy :

"WASHINGTON, D. C., May 14, 1869.

"SIR: The undersigned, contractors for steam machinery known as 100-inch by 48-inch, and 60-inch by 36-inch, would respectfully represent that said machinery has for a long time been ready for erection upon the vessels designated in the contracts for the same, and that the said vessels have been in no proper condition to receive said machinery.

"The two contracts amount to \$730,000 for 100-inch, and \$415,000 for 60-inch; and we have our bills pending for extra work ordered by the department, amounting to \$19,068 40, making in all the sum of \$1,164,068 40, upon which we have received \$860,000, leaving a balance of \$304,068 40, which we now propose to settle, and cancel the contracts by taking back all of the machinery constructed by us under the said contracts, and the sum of \$150,000 in cash.

"Or we will deliver the machinery at the navy yard in Charlestown, in its present state of completion, for \$45,000 less than the price fixed upon by the contract.

"Of this sum we deduct \$15,000 on account of the 60-inch, and \$30,000 on account of the 100-inch contract.

"The two contracts amount to \$415,000, plus \$730,000—\$1,145,000, upon which we have received \$860,000, leaving \$285,000, which would be due on completion.

"We have done extra work ordered by the department, for which our bills are pending, amounting to \$19,068 40; this added to the \$285,000 due on contracts makes \$304,068 40, from which we propose to deduct \$45,000, as above stated, leaving \$259,068 40, which will be due when the work is delivered at the navy yard in Charlestown.

"All of which is respectfully submitted by the Corliss Steam Engine Company.

"GEO. H. CORLISS, *President.*

"Hon. A. E. BORIE,

"*Secretary of the Navy, Washington, D. C.*"

After considering the subject, the department directed the bureau to cancel the contracts, and settle with the contractors on the terms proposed.

It will be seen from the above that deductions for unfinished work were made to the amount of \$30,000 for the engines known as the 100-inch, and \$15,000 for the engines known as the 60-inch; also, if the machinery had been completed and erected in the vessels, extra bills, as allowed the other contractors on this class of engines, would have amounted to \$26,476 14, making a total deduction of \$71,576 14.

All the machinery was transported to the Charlestown navy yard except a quantity of spare boiler tubes valued at \$1,380 40, which, being deducted from the amount agreed upon in settlement, leaves a balance unpaid of \$257,688.

Very respectfully,

J. W. KING,
Chief of Bureau.

Hon. GEORGE M. ROBESON,
Secretary of the Navy.

The first of these is the fact that the United States is a young nation, and its history is therefore a history of growth and development. It is a history of the struggle for independence, of the struggle for the establishment of a new form of government, and of the struggle for the expansion of the territory of the United States.

The second of these is the fact that the United States is a nation of immigrants, and its history is therefore a history of the struggle for the assimilation of these immigrants into the American way of life.

The third of these is the fact that the United States is a nation of slaves, and its history is therefore a history of the struggle for the abolition of slavery. This struggle was one of the most important in the history of the United States, and it was one that was fought for many years before it was finally won.

The fourth of these is the fact that the United States is a nation of pioneers, and its history is therefore a history of the struggle for the expansion of the territory of the United States.

The fifth of these is the fact that the United States is a nation of farmers, and its history is therefore a history of the struggle for the improvement of the agricultural industry.

The sixth of these is the fact that the United States is a nation of workers, and its history is therefore a history of the struggle for the improvement of the working conditions of the laboring classes.

The seventh of these is the fact that the United States is a nation of soldiers, and its history is therefore a history of the struggle for the defense of the United States.

The eighth of these is the fact that the United States is a nation of statesmen, and its history is therefore a history of the struggle for the establishment of a new form of government.

The ninth of these is the fact that the United States is a nation of scientists, and its history is therefore a history of the struggle for the advancement of science.

The tenth of these is the fact that the United States is a nation of artists, and its history is therefore a history of the struggle for the advancement of the arts.

The eleventh of these is the fact that the United States is a nation of writers, and its history is therefore a history of the struggle for the advancement of literature.

The twelfth of these is the fact that the United States is a nation of musicians, and its history is therefore a history of the struggle for the advancement of music.

The thirteenth of these is the fact that the United States is a nation of dancers, and its history is therefore a history of the struggle for the advancement of dance.

The fourteenth of these is the fact that the United States is a nation of actors, and its history is therefore a history of the struggle for the advancement of the theater.

The fifteenth of these is the fact that the United States is a nation of poets, and its history is therefore a history of the struggle for the advancement of poetry.

LETTER
OF
THE SECRETARY OF THE INTERIOR
COMMUNICATING,

In compliance with a resolution of the 6th instant, a statement of the Superintendent of the Census relating to the amount to be saved to the treasury by dispensing with certain copies of the census returns required by the act of 1850.

APRIL 7, 1870.—Referred to the Committee on the Revision of the Laws and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 7, 1870.

SIR: I have the honor to acknowledge the receipt of a resolution adopted by the Senate on the 6th instant, directing me to inform that body "whether any of the copies of census returns required by the act of 1850 can be dispensed with, in my opinion, without detriment to the public service; and in reply thereto transmit, herewith, a communication from the Superintendent of Census upon the subject, dated the 6th instant, and state that I concur in the views therein set forth.

I am, sir, very respectfully, your obedient servant,

J. D. COX,
Secretary of the Interior.

Hon. SCHUYLER COLFAX,
Vice-President of the United States, and President of the Senate.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., April 6, 1870.

SIR: In compliance with instructions from the Department of the Interior of the present date, directing me to report whether any of the copies of census returns required by the act of 1850 can be dispensed with, without detriment to the public service, and also to furnish a detailed estimate of the amount which might be saved to the treasury by this means, I have the honor to report as follows:

By existing laws, three sets of returns are required to be made: one (copy) to be forwarded to the Census Office, in the Department of the Interior; one (copy) to be deposited at the office of the secretary of the State or Territory; and the third (consisting of the original returns of the enumerators) to be deposited with the clerks of the county courts of the respective counties.

In my letter of the 17th of February, I had the honor to state the reasons why, in my opinion, the third set of returns was not only unnecessary, but positively injurious, inasmuch as, being placed in the

2 DISPENSING WITH CERTAIN COPIES OF CENSUS RETURNS.

office of the county clerk, the returns are undesirably and dangerously easy of access for improper purposes; and that, therefore, persons subject to enumeration in the census cannot feel that assurance as to the confidential character of disclosures which they may make in regard to their family and business affairs, which is not only required in justice to the citizen, but which is absolutely necessary, if true and full answers are to be given to the inquiries of assistant marshals. I have no hesitation, therefore, in saying that the third set of returns can, and ought to be dispensed with. It would be entirely competent, under the law, for the Secretary to direct the assistant marshals to retain the originals until the copies forwarded to the census office had been examined, and all errors and omissions noted. The original returns might then be sent to the office of the secretary of the State or Territory for permanent deposit among its archives, near enough for consultation by any parties having any authority or occasion to examine them; but not so near to the parties interested as to invite impertinent or malicious examination.

In regard to the expense of the third set of returns in question, I have the honor to submit the following elements of calculation.

First, cost of paper.

From a statement furnished from the office of the Congressional Printer, it appears that the paper consumed in the printing of the schedules for the eighth census amounted to 2,551 reams. An addition of thirty per cent. for increase, which would be to assume only that the population of the country had increased to forty and a half millions, would raise the amount of paper required in printing the schedules for the ninth census to 3,316 reams, at a total cost of \$19,697, taking paper eighteen by twenty-six inches, and twenty-seven pounds to the ream, at present contract prices. A third of this sum is properly chargeable to the third set of returns, making an expenditure on account of paper of \$6,565.

Second, cost of printing.

I am furnished with a statement by the Congressional Printer of the approximate cost of printing 1,000,000 pages of census schedules, (on both sides,) namely, \$1,562. This estimate includes the cost of press-work, folding, &c., but is exclusive of the amount paid for "composition." There were printed in 1860, of all schedules, 4,286,000, which, at an increase of thirty per cent., would, in 1870, amount to 5,591,800; which at the price per million, indicated above, would cost \$8,734. A third of this being, chargeable to the third set of returns, would involve an expenditure on account of printing of \$2,911.

Third, cost of copying.

So far as the records of this office may be relied upon in this particular, the number of pages actually covered by the enumeration of 1860 was 1,111,200. At thirty per cent. increase, the number of pages to be covered by the enumeration of 1870 would be 1,444,560. By the third section of the act of August 30, 1850, assistant marshals are allowed for copying at the rate of eight cents per page. The expenditure on this account, therefore, for the third set of returns in question, would be \$115,565.

RECAPITULATION.

First, for paper.....	\$6, 565
Second, for printing.....	2, 911
Third, for copying.....	115, 565
Total.....	<u>125, 041</u>

To this should be added the expenditure of many thousands of dollars for the transmission through the mails of the nearly two million additional schedules required from the Census Office to the marshals; and from them to the assistant marshals; and the transmission, then, of the nearly one and a half million of sheets additional, after enumeration, to the place of deposit indicated by law for the third set of returns. The expenditure on this account I am not able to approximate; but if I may be allowed to judge from the recent report of the Postmaster General, it cannot fail to be very considerable.

In the foregoing estimates, I have uniformly assumed that the blanks printed and distributed for the enumeration of 1860 were not in excess of a reasonable provision.

I have the honor to be, very respectfully, your obedient servant,
FRANCIS A. WALKER,
Superintendent.

Hon. J. D. Cox,
Secretary of the Interior.

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The first of these is the fact that the United States is a young nation, and that its history is a history of growth and development. The second is the fact that the United States is a nation of immigrants, and that its history is a history of the struggle for the rights of these immigrants. The third is the fact that the United States is a nation of free men, and that its history is a history of the struggle for the rights of these free men.

The fourth is the fact that the United States is a nation of law, and that its history is a history of the struggle for the rights of these laws. The fifth is the fact that the United States is a nation of progress, and that its history is a history of the struggle for the rights of these progress.

The sixth is the fact that the United States is a nation of peace, and that its history is a history of the struggle for the rights of these peace. The seventh is the fact that the United States is a nation of justice, and that its history is a history of the struggle for the rights of these justice.

The eighth is the fact that the United States is a nation of liberty, and that its history is a history of the struggle for the rights of these liberty. The ninth is the fact that the United States is a nation of equality, and that its history is a history of the struggle for the rights of these equality.

The tenth is the fact that the United States is a nation of unity, and that its history is a history of the struggle for the rights of these unity. The eleventh is the fact that the United States is a nation of strength, and that its history is a history of the struggle for the rights of these strength.

The twelfth is the fact that the United States is a nation of wisdom, and that its history is a history of the struggle for the rights of these wisdom. The thirteenth is the fact that the United States is a nation of courage, and that its history is a history of the struggle for the rights of these courage.

The fourteenth is the fact that the United States is a nation of hope, and that its history is a history of the struggle for the rights of these hope. The fifteenth is the fact that the United States is a nation of faith, and that its history is a history of the struggle for the rights of these faith.

The sixteenth is the fact that the United States is a nation of love, and that its history is a history of the struggle for the rights of these love. The seventeenth is the fact that the United States is a nation of compassion, and that its history is a history of the struggle for the rights of these compassion.

The eighteenth is the fact that the United States is a nation of kindness, and that its history is a history of the struggle for the rights of these kindness. The nineteenth is the fact that the United States is a nation of gentleness, and that its history is a history of the struggle for the rights of these gentleness.

LETTER

FROM

THE SECRETARY OF THE INTERIOR

COMMUNICATING,

In compliance with a resolution of the Senate of March 10, 1870, a report of the Commissioner of the General Land Office showing the amount and location of unsurveyed public lands in the State of Indiana, the value thereof, the amount of such lands disposed of in 1869, the price received therefor, the expense of maintaining the land office at Indianapolis, and the expediency of removing the same to the General Land Office at Washington City.

APRIL 13, 1870.—Referred to the Committee on Public Lands and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 12, 1870.

SIR: Pursuant to Senate resolution of the 10th ultimo, I have the honor to transmit herewith a copy of the report of the Commissioner of the General Land Office, received to-day, containing "a statement of the lands belonging to the United States lying in the State of Indiana remaining undisposed of; and in what counties they are situated, and what portion of the same have never been surveyed, and the reason thereof, and where situate, and their probable value; also the amount of such public lands in that State disposed of during the year 1869 and the price received therefor; and the annual expense of maintaining the land office at Indianapolis; and whether, in his judgment, the public interest would suffer in the removal of the records of that office to the General Land Office at Washington City."

I am, sir, very respectfully, your obedient servant,
J. D. COX, *Secretary.*

Hon. SCHUYLER COLFAX,
*Vice-President of the United States
and President of the Senate.*

DEPARTMENT OF THE INTERIOR,
General Land Office, April 12, 1870.

SIR: I have the honor to return herewith the attested copy, which was referred to this office from the department for report, of the resolu-

tion adopted by the Senate of the United States on the 10th ultimo, in the following words, viz:

Resolved, That the Secretary of the Interior be requested to communicate to the Senate a statement of the lands belonging to the United States lying in the State of Indiana remaining undisposed of, and in what counties they are situated, and what portion of the same have never been surveyed, and the reason thereof, and where situate, and their probable value; also the amount of such public lands in that State disposed of during the year eighteen hundred and sixty-nine, and the price received therefor, and the annual expense of maintaining the land office at Indianapolis, and whether, in his judgment, the public interest would suffer in the removal of the records of that office to the General Land Office at Washington City.

In reference to the subject thereof, I have to submit the following, viz:

First. The isolated tracts of public land yet unsold and unappropriated in Indiana are liable to be disposed of at the district land office at Indianapolis, from time to time, as applications to enter are presented, and monthly returns have been received here of the disposals made at that office up to the 31st ultimo. From reports made by the register and receiver, in connection with an examination of our records, it appears that at that date there were still unsold and unappropriated a number of tracts which are given in the descriptive list inclosed herewith, containing an aggregate area of 1,875.01 acres, and lying, as appears from a map of the State in this office, in the following counties, viz: In Morgan County, 40 acres; Fulton, 40 acres; Brown, 61.02 acres; Daviess, 85.30 acres; Marshall, 40 acres; Kosciusko, 40 acres; Stark, 160 acres; St. Joseph, 89.30 acres; Jasper, 320 acres; Newton, 120 acres; Porter, 29.29 acres; Whitney, 36.82 acres; Martin, 40 acres; Knox, 40 acres; Vigo, 9.75 acres; Spencer, 40 acres; Sullivan, 51.41 acres; Perry, 39.90 acres; Gibson, 40 acres; Monroe, 36.60 acres; Washington, 40 acres; Lawrence, 31.07 acres; Jackson, 44.55 acres; Ripley, 40 acres; Orange, 40 acres; and Crawford, 320 acres; the whole having been surveyed.

Second. In 1869, up to the 11th of May, there was no receiver at Indianapolis, and entries were not allowed while the vacancy continued; for the remainder of the year ending the 31st December, 1869, there have been reported as sold 710.85 acres, and as entered under the homestead law 120 acres; the money received during the same time, as payments for cash entries, and fees and commissions for homesteads, being \$901 56.

Third. The annual expense of maintaining the district land office at Indianapolis is \$1,000 for salaries of register and receiver, with a small allowance for incidental expenses, amounting to about \$1,100 in the aggregate.

Fourth. I quote the following from the annual report of this office of October 3, 1865, page 28, as applicable to the case of Indiana, viz:

As land operations may be virtually wound up in a State, it is important that authority of law should be conferred for transferring all the records to the seat of the general government, and that to the Commissioner should be delegated in such cases all the powers of the register and receiver under existing laws.

An enactment to this end will save the salary and incidental expenses of six officers, which may be dispensed with at an early day, and will meet such cases as may hereafter arise from time to time in the closing of public land business within the limits of any State.

Very respectfully, your obedient servant,

JOS. S. WILSON,
Commissioner.

Hon. J. D. COX,
Secretary of the Interior.

List of vacant tracts in the State of Indiana, and counties in which situated.

Morgan County: Southeast quarter of northeast quarter of section 19, township 11 north, of range 2 east, containing 40 acres.

Fulton County: Northeast quarter of southwest quarter of section 30, township 30 north, of range 2 east, containing 40 acres.

Brown County: Southwest quarter of southeast quarter of section 8, township 7 north, of range 2 east, 40 acres; and lot No. 7 in southeast quarter of section 4, township 8 north, of range 2 east, containing 21.02 acres.

Daviess County: Northeast quarter of southwest quarter of section 22, township 5 north, of range 6 west, 40 acres; northwest quarter of northeast quarter of section 34, township 5 north, of range 6 west, 40 acres; and lot 2, northeast quarter of section 4, township 4 north, of range 7 west, 5.30 acres.

Marshall County: Southeast quarter of southwest quarter of section 7, township 34 north, of range 1 east, 40 acres.

Kosciusko County: Southeast quarter of southeast quarter of section 3, township 30 north, of range 6 east, 40 acres.

Stark County: Southwest quarter of northeast quarter of section 18, township 32 north, of range 1 west, 40 acres; southeast quarter of northwest quarter of section 18, township 34 north, of range 1 west; and southwest quarter of southwest quarter, and northeast quarter of southwest quarter, of section 12, township 32 north, of range 2 west, containing 40 acres each.

St. Joseph County: Lots 1 and 2 of section 35, township 37 north, of range 1 west, containing 89.30 acres.

Jasper County: Southwest quarter of southeast quarter of section 21; south half of northeast quarter of section 22; southeast quarter of northwest quarter, northeast of southwest quarter, and south half of southeast quarter of section 23; and northwest of southwest quarter of section 24, all in township 28 north, of range 6 west, 320 acres.

Newton County: Southeast quarter of northwest quarter, and west half of southwest quarter of section 15, township 31 north, of range 8 west, 120 acres.

Porter County: Fractional section 19, township 37 north, of range 6 west, 27.20 acres; and northeast fractional quarter, north of river, of section 36, township 37 north, of range 7 west, 2.09 acres.

Whitney County: Lot No. 2, or southwest quarter of northeast quarter of section 10, township 32 north, of range 8 east, 36.82 acres.

Martin County: Southeast quarter of northwest quarter of section 12, township 1 north, of range 5 west, 40 acres.

Knox County: Lot No. 7, or southwest quarter of southeast quarter of section 10, township 5 north, of range 10 west, 40 acres.

Vigo County: Fraction of southeast quarter of section 1, township 11 north, of range 10 west, 9.75 acres.

Spencer County: Northwest quarter of southeast quarter of section 13, township 4 south, of range 4 west, 40 acres.

Sullivan County: Lot No. 5 of section 27, township 8 north, of range 11 west, 51.41 acres.

Perry County: Northwest quarter of northeast quarter of section 36, township 4 south, of range 2 west, 39.90 acres.

Gibson County: South fractional half of lot 8 of section 26, township 2 south, of range 13 west, 40 acres.

Monroe County: Southwest fractional quarter, south of Indiana boundary line, of section 6, township 9 north, of range 1 east, 36.60 acres.

Washington County: Northeast quarter of southeast quarter of section 11, township 3 north, of range 2 east, 40 acres.

Lawrence County: Northwest quarter of section 20, township 4 north, of range 2 east, 31.07 acres.

Jackson County: Northwest quarter of northeast quarter of section 24, township 6 north, of range 2 east, 40 acres; northeast fractional quarter, R. B. W. River, of section 14, township 6 north, of range 5 east, 4.55 acres.

Ripley County: Northwest quarter of southeast quarter of section 32, township 7 north, of range 10 east, 40 acres.

* Orange County: Northeast quarter of northwest quarter of section 1, township 1 south, of range 1 east, 40 acres.

Crawford County: Southeast quarter of southeast quarter of section 5, township 2 south, of range 1 east, 40 acres; southwest quarter of northeast quarter of section 6, township 2 south, of range 1 east, 40 acres; and southwest quarter of southwest quarter of section 20, township 3 south, of range 1 east, 40 acres.

Total area, 1,875.01 acres.

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES

COMMUNICATING

A report from the Secretary of State, relative to results of the proceedings of the joint commission at Lima, under the convention between the United States and Peru, of 4th December, 1868, in relation to the claim of Esteban G. Montano, and recommending an appropriation to discharge the obligation of the United States in said case.

APRIL 15, 1870.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate and House of Representatives :

I transmit to Congress a report from the Secretary of State, relative to results of the proceedings of the joint commission at Lima under the convention between the United States and Peru, of 4th December, 1868, and recommend that an appropriation be made to discharge the obligation of the United States in the case of the claim of Esteban G. Montano, to which the report refers.

U. S. GRANT.

WASHINGTON, April 14, 1870.

DEPARTMENT OF STATE,
Washington, April 14, 1870.

The Secretary of State has the honor to lay before the President extracts from a dispatch to this department from Mr. Alvin P. Hovey, minister of the United States to Peru, of the 27th of February last, containing a statement of the awards against the government of that republic, filed by the commissioners under the convention with Peru, of 4th December, 1868, on the subject of claims; and a copy of the report of the commissioners under the same convention of the award in favor of Esteban G. Montano, a Peruvian citizen, on this government.

As the fourth article of the convention stipulates that the sums awarded shall be paid by the one government to the other within four months from the date of the award, it is important that an appropriation should be seasonably made for discharging the obligation of the United States in the case of Mr. Montano.

Respectfully submitted.

HAMILTON FISH.

THE PRESIDENT.

Mr. Hovey to Mr. Fish.

[Extracts.]

No. 213.]

LIMA, PERU, *February 27, 1870.*

SIR: The mixed commission between the United States and Peru, under the treaty dated the 4th of December, 1868, has terminated its labors, and awards against the government of Peru have been filed in this legation as follows:

	Sols.
A. Ruden & Co., dated January 18, 1870	7,667.15
J. R. T. Johnson, dated January 2, 1870	11,480.00
Michael Eggart, dated February 8, 1870	11,000.00
F. L. Grannan, dated February 8, 1870	7,000.00
S. Crosby & Co., dated February 12, 1870	10,000.00
A. Rosenswig, dated February 12, 1870	21,924.00
T. J. Clarke, dated February 12, 1870	4,500.00
R. Hardy, dated February 12, 1870	2,500.00
A. Lepoint, dated February 8, 1870	3,900.00
H. Milligan, dated February 11, 1870	75,000.00
F. Isaacs, dated February 12, 1870	3,000.00
George Hill, dated January 20, 1870	6,000.00
S. C. Montjoy, consul of United States at Lambaycque, dated February 12, 1870	11,000.00
C. Weile, formerly United States consul at Tumbes, dated February 12, 1870	35,000.00

In all amounting to.....209,971.15

And the following claims were dismissed for want of jurisdiction, (likewise against the government of Peru,) and not being filed in time: A. Wendell, Curtis & Masterron, J. A. M. Gillis, Peter F. Hevner, Fidelia C. Byers, and Rollin Thorne.

I have not been officially informed of the amount awarded to Stephen G. Montano, the only Peruvian claimant, but understand it has been fifty-seven thousand and forty gold dollars, bearing date of 25th February. This award was made by the umpire.

As Peru will in all probability pay the aforesaid amounts punctually on their becoming due, I respectfully request that provision be made according to law to meet the award to Mr. Montano when the same may be due.

Any delay might have the effect of postponing the payment of the claims awarded to the said citizens of the United States, and as the treaty does not provide for interest, delay might materially affect their rights.

I have the honor to be, your obedient servant,

ALVIN P. HOVEY.

Hon. HAMILTON FISH,

Secretary of State of the United States.

No. 8.

To all whom it may concern :

We, the undersigned, commissioners of the American and Peruvian mixed commission, having failed to agree on our final decision upon the claim of Esteban G. Montano, presented to this commission, that claim has been decided upon by the umpire, Mr. F. A. Elmore, on the 25th of February, 1870.

According to that decision, the government of the United States of America has to pay to Mr. Esteban G. Montano the sum of fifty-seven thousand and forty American gold dollars, (\$57,040.)

Said sum to be paid according to article 4, of the convention of December 4, 1868, between the United States of America and Peru, within four months after the date of this decision.

Lima, February 25, 1870.

[L. S.]

M. VIDAL,
Commissioner on the part of the United States of America.

MANUEL PINER,
Commissionado pp. del Peru.

○

To all whom it may concern:

The undersigned, commissioners of the American and British
aligned commission, having called to order on our final decision upon the
claim of Esterházi, presented to this commission, that claim
was decided upon by the majority, Mr. A. L. Johnson, on the 25th of
February, 1870.

According to that decision, the government of the United States of
America has to pay to Mr. Esterházi the sum of fifty thousand
dollars and forty American gold dollars (\$57,400).
This sum to be paid according to article 4 of the convention of the
month of 1868, between the United States of America and Great Britain
four months after the date of this decision.

Done February 25, 1870.

[L. S.]

Commissioner on the part of the United States of America,
ALBERT J. JOHNSON,
Commissioner on the part of Great Britain.

LETTER
FROM
THE SECRETARY OF WAR,
COMMUNICATING,

In compliance with a resolution of the Senate of the 11th instant, a report of the Chief of Engineers concerning the survey and improvement of the Upper Columbia River.

APRIL 18, 1870.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT,
April 15, 1870.

The Secretary of War has the honor to submit to the Senate of the United States, in answer to the resolution of April 11, 1870, the accompanying report of the Chief of Engineers concerning the survey and improvement of the Upper Columbia River.

WM. W. BELKNAP,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., April 14, 1870.

SIR: In reply to the resolution of the Senate of the United States of the 11th instant, requesting the Secretary of War to communicate to the Senate any information in his department relative to the survey and improvement of the Upper Columbia River, I beg leave, respectfully, to state that all the information upon this subject is contained in the annual reports from this office for the years 1868 and 1869, (pp. 876 to 883, and 473 to 478, respectively,) which will be found printed in the documents accompanying the President's Messages of those years, Reports of Secretary of War, part 2.

These reports were made in obedience to the requirements of the act approved June 23, 1866, making appropriations for repairs, preservation, and completion of certain public works, &c., and for other purposes.

The resolution of the Senate is herewith returned.

By command and in the absence of Brigadier General Humphreys.

Very respectfully, your obedient servant,

J. C. WOODRUFF,

Lieut. Col. of Engineers, Bvt. Brig. Gen'l U. S. Army.

Hon. W. W. BELKNAP,
Secretary of War.

1870, Dec. 1
1870, Dec. 1

SENATE

1870, Dec. 1
1870, Dec. 1

REPORT

OF

THE SECRETARY OF WAR

COMMISSIONER

In compliance with a resolution of the Senate of the United States, passed on the 11th of March, 1870, the Secretary of War has the honor to submit to the Senate the following report, containing the survey and description of the

territory of the United States, and the results of the survey and description of the

WAR DEPARTMENT
April 10, 1870.
The Secretary of War has the honor to submit to the Senate of the United States, in answer to the resolution of April 11, 1870, the accompanying report of the Chief of Engineers, containing the survey and description of the Upper Columbia River.

OFFICE OF THE CHIEF OF ENGINEERS
Washington, D. C., April 14, 1870.
Sir: In reply to the resolution of the Senate of the United States of the 11th instant, requesting the Secretary of War to communicate to the Senate any information in his department relative to the survey and description of the Upper Columbia River, I beg leave respectfully to state that all the information upon this subject is contained in the annual reports from this office for the years 1868 and 1869, (pp. 276 to 282 and 278 to 284, respectively), which will be found printed in the documents accompanying the President's messages in those years. The report of the Secretary of War, part 2.
These reports were made in obedience to the requirements of the act approved June 23, 1866, making appropriations for repairs, preservation, and completion of certain public works, &c., and for other purposes. The resolution of the Senate is herewith returned.

Very respectfully,
Your obedient servant,
J. C. WOODBRUFF,
Chief of Engineers, War Dept. U. S. Army.
Gen. W. B. BELMONT,
Secretary of War.

LETTER
OF
THE SECRETARY OF THE TREASURY
COMMUNICATING,

In compliance with a resolution of the Senate of January 11, 1870, a statement of the number of foreign-built vessels, under enrollment or register, now employed in the commerce of the United States.

APRIL 29, 1870.—Referred to the Committee on Commerce and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
April 29, 1870.

SIR: I have the honor to transmit herewith a statement, in tabular form, of the "number of foreign-built vessels, under enrollment or register, now employed in the commerce of the United States, with the names of such vessels, whether steam or sailing vessels, the tonnage of each, when built, and the date of the law of Congress which, in each case, authorized the registration or enrollment of such foreign-built vessels," agreeably to a resolution of the Senate of the United States adopted on the 11th of January last.

The delay which has occurred in replying to the resolution is due to the circumstance that the department was obliged to correspond with the officers of the customs at the principal ports of the country for the purpose of ascertaining the facts demanded by the resolution.

I have the honor to be, very respectfully, &c.,

GEO. S. BOUTWELL, *Secretary.*

Hon. SCHUYLER COLFAX,
President of the Senate, Washington, D. C.

2 FOREIGN-BUILT VESSELS EMPLOYED IN AMERICAN COMMERCE.

Statement of foreign-built vessels sailing under United States registry.

STATE OF MAINE.

DISTRICT OF PASSAMAQUODDY.

Class.	Name of vessel.	Wood or iron.	Document.	Former nationality.	Tons.	Remarks.
Schooner.	Julia	Wood .	Enrollment.	British	23. 22	} Act December 23, 1852. Admitted under act of December 23, 1852, by authority of the Secretary of the Treasury, having been wrecked in waters of the United States, and rebuilt by citizens of the United States.
Schooner.	Linda	do ..	do	do	25. 91	
Schooner.	Matthew	do ..	do	do	23. 85	
Schooner.	Pointer	do ..	do	do	74. 30	
Schooner.	Romp	do ..	do	do	20. 10	
Schooner.	Red Beach	do ..	do	do	70. 75	
Schooner.	Traveller	do ..	do	do	37. 46	
Schooner.	Hattie	do ..	do	do	52. 24	
Schooner.	Island Belle	do ..	do	do	58. 62	
Schooner.	Hebe	do ..	do	do	95. 10	
Schooner.	Tornado	do ..	do	do	105. 50	} Act July 20, 1868.
Schooner.	Sea Pigeon	do ..	Register ...	do	57. 36	
Schooner.	Bob	do ..	Enrollment.	do	50. 70	

Total: 13 vessels; 695. 11 tons; all wood, sail.

DISTRICT OF MACHIAS.

Schooner.	Jesse	Wood .	Enrollment.	British	95. 05	} Act December 23, 1852; wrecked in United States waters and rebuilt by United States citizens.
Schooner.	Norah	do ..	do	do	135. 26	
Brig.	Proteus	do ..	do	do	135. 61	

Total: 3 vessels; 365. 92 tons; all wood, sail.

DISTRICT OF FRENCHMAN'S BAY.

Schooner.	Intrepid	Wood .	Enrollment.	British	61. 05	} Admitted under act December 24, 1852; wrecked and rebuilt in United States.
Schooner.	Josephine	do ..	do	do	55. 17	
Schooner.	Sea Queen	do ..	do	do	91. 76	
Schooner.	Petrel	do ..	do	do	93. 20	
Schooner.	Eureka	do ..	do	do	103. 06	

Total: 5 vessels; 404. 24 tons; all wood, sail.

DISTRICT OF BANGOR.

Brig	Clara P. Gibbs...	Wood .	Register ...	Portuguese	197. 28	} Admitted under act December 23, 1852, and letter of Secretary of the Treasury, July 21, 1863.
Brig	Zavalla Williams.	do ..	Enrollment.	British	143. 48	

Total: 2 vessels; 340. 76 tons; wood, sail.

STATE OF MASSACHUSETTS.

DISTRICT OF GLOUCESTER.

Schooner.	William Tell	Wood .	Enrollment.	British	34. 23	Admitted under act Dec. 23, 1852; wrecked and rebuilt in U. S.
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DISTRICT OF BOSTON AND CHARLESTOWN.

Brig	Afton	Wood .	Register ...	Unknown .	180. 15	Admitted under act December 23, 1852; wrecked and rebuilt in United States.
Bark	Hala Frank	do ..	do	do	687. 69	Wrecked and registered at Mobile, August 21, 1868.
Brig	John M. Burns...	do ..	do	British	150. 18	Admitted under act December 23, 1852; formerly the Eliza.
Brig	Lizzie Daniels...	do ..	do	Unknown .	204. 05	Enrolled at Baltimore, August 22, 1869.
Schooner.	Parallel	do ..	do	British	67. 31	Wrecked in United States waters; act December 23, 1852.

FOREIGN-BUILT VESSELS EMPLOYED IN AMERICAN COMMERCE. 3

Statement of foreign-built vessels sailing under United States registry—Continued.

STATE OF MASSACHUSETTS—DISTRICT OF BOSTON AND CHARLESTOWN—Continued.

Class.	Name of vessel.	Wood or iron.	Document.	Former nationality.	Tons.	Remarks.
Brig	Rescue	Wood .	Register...	Unknown .	170. 40	{ Wrecked in United States waters; act December 23, 1852; enrolled 1866.
Schooner.	Atalanta	do ..	Enrollment.	do	36. 70	
Schooner.	Flying Scud.....	do ..	Enrollment.	British	76. 72	Formerly British schooner Volant.
Schooner.	Sarah Louisa.....	do ..	Register	Unknown .	105. 99	Registered May 9, 1868.
Schooner.	Conservative	do ..	do	German	293. 29	Regis'd at New York, May 5, 1869.
Schooner.	Curlew.....	do ..	Enrollment.	British	124. 31	Wrecked, &c. ; act Dec. 23, 1852.
Bark.....	Charles F. Perry..	do ..	Register	do	474. 09	{ Wrecked, &c. ; act Dec. 23, 1852; Nov. 24, 1869.
Steamship	Concordia	Iron ..	Enrollment.	do	1681. 20	Wrecked, &c. ; act Dec. 23, 1852.
Steamship	Oriental.....	do ..	do	do	740. 82	Formerly Miana, prize.
Steamer..	Palmira	do ..	Register	do	857. 43	Formerly Karnak, prize.
Steamer..	St. Louis.....	do ..	Enrollment.	do	1060. 52	Prize. Sold at New York, 1865.
Steamer..	Zenobia	do ..	Register	do	822. 93	Condemned as prize.
Steamer..	Gen'l Meade	do ..	do	do	893. 68	Do.
Steamer..	Sherman	do ..	Enrollment.	do	973. 27	Formerly Princess Royal, prize.

Total, 19 vessels; 9,601. 73 tons; 12 wood, sail, 2,570. 88 tons; 7 iron steamers; 7,030. 85 tons.

DISTRICT OF NEW BEDFORD.

Bark.....	Amie Ann.....	Wood .	Register	British	220. 28	Wrecked, &c. ; act Dec. 23, 1852.
Schooner.	Blue Bell.....	do ..	do	do	53. 03	Sold by United States marshal.
Bark.....	Crowninshield...	do ..	do	do	257. 33	Wrecked, &c. ; act Dec. 23, 1852.
Schooner.	Electric Spark...	do ..	do	do	66. 45	Captured and sold as prize.
Schooner.	Irving.....	do ..	do	do	106. 10	Wrecked, &c. ; act Dec. 23, 1852.
Brig	Starlight	do ..	do	do	141. 02	Do.
Brig	Star Castle	do ..	do	do	116. 28	Do.
Bark.....	Atlantic.....	do ..	do	do	307. 06	Do.

Total, 8 vessels; 1,267. 55 tons; all wood, sail.

DISTRICT OF EDGARTOWN.

Schooner.	Mary J.....	Wood .	Enrollment.	British	31. 52	Prize.
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STATE OF RHODE ISLAND.

DISTRICT OF PROVIDENCE.

Bark.....	R. H. Purinton..	Wood .	Register...	British	549. 37	Wrecked, &c. ; act Dec. 23, 1852.
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STATE OF CONNECTICUT.

DISTRICT OF NEW LONDON.

Bark.....	E. B. Phillips....	Wood .	Register...	Not stated.	152. 44	Act April 25, 1866. Formerly steamer Elizabeth.
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STATE OF NEW YORK.

DISTRICT OF NEW YORK.

Bark.....	Eagle	Wood .	Register...	British	388. 34	Wrecked, &c. ; act Dec. 23, 1852.
Schooner.	Island Queen....	do ..	do	do	124. 37	Do.
Brig	Logan	do ..	do	do	309. 34	Do.
Bark.....	Ocean Home	do ..	do	do	307. 30	Do.
Steamer..	Zenobia	do ..	do	do	465. 27	Do.
Steamer..	Lucille	do ..	do	do	514. 97	Do.
Brig	H. G. Berry	do ..	do	do	297. 91	Do.
Bark.....	Topeka	do ..	do	do	321. 46	Do.
Brig	William.....	do ..	do	do	95. 45	Do.
Brig	Ristori	do ..	do	do	194. 86	Do.

4 FOREIGN-BUILT VESSELS EMPLOYED IN AMERICAN COMMERCE.

Statement of foreign-built vessels sailing under United States registry—Continued.

STATE OF NEW YORK—DISTRICT OF NEW YORK—Continued.

Class.	Name of vessel.	Wood or iron.	Document.	Former nationality.	Tons.	Remarks.
Schooner.	Hy. Becker.....	Wood .	Register...	British	89.55	Wrecked, &c.; act Dec. 23, 1852.
Bark.....	Cataline.....	do ..	do	do	389.66	Do.
Ship	Nellie Fogarty...	do ..	do	do	1001.26	Do.
Brig	John M. Burns ..	do ..	do	do	150.18	Do.
Brig	Uncle Sam	do ..	do	do	141.50	Do.
Bark.....	Maud Helen.....	do ..	do	do	759.23	Do.
Ship	Natilus.....	do ..	do	do	1201.56	Do.
Schooner.	Village Queen...	do ..	do	do	68.81	Do.
Bark.....	Eureka.....	do ..	do	do	469.42	Do.
Brig	Sunburst.....	do ..	do	do	162.41	Do.
Ship	Sumter.....	do ..	do	Dutch.....	562.36	Do.
Bark.....	Hope.....	do ..	do	Italian ..	362.42	Do.
Schooner.	Flying Scud.....	do ..	do	British ..	76.72	Do.
Brig	Carrie D	do ..	do	do	205.01	Do.
Brig	Aglala	do ..	do	do	181.05	Do.
Brig	Home	do ..	do	do	215.91	Do.
Bark.....	Snowden.....	do ..	do	do	316.04	Do.
Brig	Mary Celeste ..	do ..	do	do	206.28	Do.
Schooner.	Porto Plate.....	do ..	do	do	91.83	Do.
Bark.....	Sylvia W. Swazey	do ..	do	do	439.24	Do.
Bark.....	Edw'd James ..	do ..	do	Russian ..	528.99	Do.
Bark.....	Annie Ann	do ..	do	British ..	220.28	Do.
Brig	Monte Christie..	do ..	do	do	162.30	Do.
Bark.....	Sardie.....	do ..	do	do	514.17	Do.
Brig	Wm. D. Andrews	do ..	do	do	237.60	Do.
Brig	Surf.....	do ..	do	do	186.74	Do.
Steamer..	Agnes Mary	do ..	do	do	659.90	Do.

Total: 37 vessels, 12,639.69 tons; 3 steamers, 1,640.14 tons; 34 sail vessels, 10,999.55 tons; all wood.

DISTRICT OF SAG HARBOR.

Brig	Highland Mary ..	Wood .	Register...	British	144.97	Admitted under act July 20, 1868.
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DISTRICT OF CAPE VINCENT.

Schooner.	Mary	Wood .	Enrollm't.	British	62.18	Admitted under act July 26, 1866.
Sloop	Dolphin	do ..	do	do	26.45	Do.
Bark.....	John Braden	do ..	do	do	319.13	Admitted under act July 20, 1868.
Schooner.	Prince Alfred....	do ..	do	do	296.05	Do.
Brig	Orkney Lass	do ..	do	do	281.00	Do.

Total: 5 wooden sail vessels, 984.81 tons.

DISTRICT OF OSWEGO.

Schooner.	Coquette	Wood .	Enrollm't.	Canadian..	173.80	Admitted under act April 25, 1866.
Schooner.	Emperor	do ..	do	do	148.17	Admitted under act July 20, 1868.
Schooner.	Forest Queen....	do ..	do	do	136.97	Admitted under act April 25, 1866.
Schooner.	Governor	do ..	do	do	173.90	Admitted under act July 20, 1868.
Sloop	Jenny Lind.....	do ..	do	do	55.49	Admitted under act April 25, 1866.
Schooner.	L. S. Shichina ..	do ..	do	do	188.73	Admitted under act July 20, 1868.
Schooner.	Minetta	do ..	do	do	41.77	Admitted under act April 25, 1866.
Bark.....	Monarch	do ..	do	do	314.91	Admitted under act July 20, 1868.
Brig	Sea Gull	do ..	do	do	201.05	Do.
Schooner.	Smith and Post ..	do ..	do	do	212.13	Do.
Schooner.	Trenton	do ..	do	do	217.34	Admitted under act April 25, 1866.
Schooner.	Victoria	do ..	do	do	209.05	Admitted under act July 20, 1868.
Schooner.	Welland	do ..	do	do	153.81	Do.

Total: 13 wooden sail vessels, 2,227.12 tons.

DISTRICT OF BUFFALO CREEK.

Bark.....	Maitland	Wood .	Enrollm't.	Canadian..	252.66	Admitted under act July 26, 1866.
Bark.....	J. S. Austin.....	do ..	do	do	338.46	Do.

Total: 2 wooden sail vessels, 591.12 tons.

FOREIGN-BUILT VESSELS EMPLOYED IN AMERICAN COMMERCE. 5

Statement of foreign-built vessels sailing under United States registry—Continued.

DISTRICT OF DUNKIRK.

Class.	Name of vessel.	Wood or iron.	Document.	Former nationality.	Tons.	Remarks.
Scow sch.	Wm. Bookstaver.	Wood.	Enrollm't.	Canadian..	34.79	Admitted under act December 23, 1852, and letter of Secretary of Treasury, April 29, 1868.

STATE OF NEW JERSEY.

DISTRICT OF PERTH AMBOY.

Screw str.	Gen'l McCullum.	Iron..	Enrollm't.	British....	1396.09	Prize. Brought to the United States in sections.
St. tug...	New Jersey.....	do...	do.....	do.....	33.77	

Total: 2 iron steamers, 1,429.86 tons.

STATE OF PENNSYLVANIA.

DISTRICT OF PHILADELPHIA.

Steamer..	Cambria.....	Wood.	Enrollm't.	British....	474.40	} Prize.
Schooner.	Fanny.....	do...	do.....	do.....	41.90	
Bark.....	Pawnee.....	do...	do.....	do.....	368.03	
Schooner.	Eliza.....	do...	do.....	do.....	50.21	
Schooner.	Defiance.....	do...	do.....	do.....	72.47	
Schooner.	Mary Elizabeth..	do...	do.....	do.....	45.14	
Schooner.	Brilliant.....	do...	do.....	do.....	53.51	
Sloop....	Wanderer.....	do...	do.....	do.....	42.62	
Steamship	Fire-Fly.....	do...	do.....	do.....	320.20	
Bark.....	Annie Augusta..	do...	Register...	Spanish....	272.96	

Total: 10 wooden sail vessels; 1,741.44 tons.

DISTRICT OF ERIE.

Schooner.	Ottawa.....	Wood.	Enrollment	British....	157.62	Admitted under act March 3, 1863.
Schooner.	Jessie Conger....	do...	do.....	do.....	120.88	Admitted under act Feb. 26, 1866.
Brigantine	City of Toronto, (now Erie.)	do...	do.....	do.....	220.56	Admitted under act April 25, 1866.
Schooner.	Marco Polo.....	do...	do.....	do.....	9.56	Admitted under act July 26, 1866.

Total: 4 wooden sail vessels; 508.62 tons.

STATE OF MARYLAND.

DISTRICT OF BALTIMORE.

Steamship	Maryland.....	Iron...	Enrollment	British....	531.11	} Prize.
Steamship	Jupiter.....	do...	Register...	do.....	168.08	
Brig.....	Maggie.....	Wood.	do.....	do.....	138.23	

Total: 3 vessels, 837.42 tons; 2 iron steamers, 699.19 tons; 1 wooden sail vessel, 138.23 tons.

STATE OF SOUTH CAROLINA.

DISTRICT OF GEORGETOWN.

Brig.....	Georgie.....	Wood.	Register...	British....	160.38	Wrecked, &c.; act of Dec. 23, 1852
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STATE OF FLORIDA.

DISTRICT OF KEY WEST.

Steamer..	Ruby.....	Iron...	Register...	British....	140.15	Prize.
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6 FOREIGN-BUILT VESSELS EMPLOYED IN AMERICAN COMMERCE.

Statement of foreign-built vessels sailing under United States registry—Continued.

STATE OF ALABAMA.

DISTRICT OF MOBILE.

Class.	Name of vessel.	Wood or iron.	Document.	Former nationality.	Tons.	Remarks.
Steamer..	Rio Grande.....	Iron...	Enrollment	(Eng. built,) Mexican.	184. 76	Letter of S. of T., Oct. 5, 1867, under act of December, 1852.

STATE OF LOUISIANA.

DISTRICT OF NEW ORLEANS.

Steamship	Austin	Iron...	Enrollment	British	951. 17	Captured blockade runner; afterward U. S. steamship Donegal.
Schooner.	Batalla.....	Wood .	do	Mexican...	26. 83	Wrecked, &c.; act of Dec. 23, 1852.
Steamship	Heroine	Iron...	do	British	180. 14	Captured blockade runner; sold by United States government.
Steamship	Lillian	do ..	do	do	638. 60	Captured blockade runner; afterward U. S. steamship Lillian.
Schooner.	Parthenia Jacques	Wood .	do	Mexican...	31. 63	Wrecked, &c.; act of Dec. 23, 1852.
Steamship	Rio Grande.....	Iron...	do	British	184. 76	Prize.
Schooner.	Sammy	Wood .	do	do	24. 18	Condemned for violation of the revenue laws.
Schooner.	Texas.....	do ..	do	do	20. 53	Wrecked, &c.; act of Dec. 23, 1852.
Steamship	Teazer	Iron...	do	British	729. 93	Captured blockade runner; afterward U. S. steamship Bat.
Steamship	Winchester.....	do ..	Register ..	do	487. 67	Captured blockade runner; afterward U. S. steamship Calypso.
Brig	William	Wood .	Enrollment	do	95. 48	? ?

Total: 11 vessels, 3,370.92 tons; 5 wooden sail, 198.65 tons; 6 iron steamers, 3,172.27 tons.

STATE OF TEXAS.

DISTRICT OF TEXAS.

Schooner.	Albert Paul	Wood .	Enrollment.	British	54. 53	Wrecked, &c.; act Dec. 23, 1852.
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DISTRICT OF SALURIA.

Sloop	Perasto	Wood .	License	Mexican ..	6. 82	Wrecked, &c., act December 23, 1852, and letter of Secretary of the Treasury November 21, 1865.
Schooner.	Mary.....	do ..	Enrollment.	do	26. 40	Wrecked, &c., act December 23, 1852, and letter of Secretary of the Treasury May 19, 1866.

Total: 2 wooden sail vessels; 33. 22 tons.

STATE OF OHIO.

DISTRICT OF CUYAHOGA.

Schooner.	E. P. Ryerse.....	Wood .	Enrollment.	Canadian..	152. 82	Admitted under act April 25, 1866.
Schooner.	Selkirk	do ..	do	do	311. 79	Admitted under act March 3, 1863.

Total: 2 wooden sail vessels; 464. 61 tons.

STATE OF MICHIGAN.

DISTRICT OF DETROIT.

Bark.....	St. Clair	Wood .	Enrollment.	Canadian..	270. 28	} Wrecked, &c., act of December 23, 1852, and letter of Secretary of Treasury, August 29, 1866.
Scow	Mary.....	do ..	do	do	28. 35	
Barge.....	Harvest.....	do ..	do	do	210. 40	} Act of April 25, 1866.
Barge.....	Matilda.....	do ..	do	do	309. 25	
Barge.....	Ajax	do ..	do	do	345. 43	
Tug.....	Dispatch	do ..	do	do	140. 63	} Act of June 17, 1862.
Tug.....	Samson	do ..	do	do	181. 00	
Bark.....	General Burnside.	do ..	do	do	307. 54	} Act of March 3, 1863.
Schooner.	Selkirk	do ..	do	do	311. 79	

Total: 9 vessels; 2104. 67 tons; 2 steam; 321. 63 tons; 7 sail, &c.; 1,783. 04 tons.

FOREIGN-BUILT VESSELS EMPLOYED IN AMERICAN COMMERCE. 7

Statement of foreign-built vessels sailing under United States registry—Continued.

DISTRICT OF GRAND HAVEN.

Schooner.	Sardinia	Wood	Enrollment.	British	146.34	Unknown.
Schooner.	Caledonia	do	do	do	54.17	Do.
Schooner.	N. C. Ford	do	do	do	159.84	} Admitted under act of April 25, 1866.
Bark	Acorn	do	do	do	316.31	
Bark	Advance	do	do	do	346.91	Unknown.
Schooner.	Anglo-Saxon	do	do	do	314.67	Do.
Schooner.	Helen Blood	do	do	do	129.50	Do.
Brig	City of Erie	do	do	do	220.56	Admitted under act June 17, 1862.
Schooner.	Dolphin	do	do	do	154.27	Unknown.
Schooner.	North Star	do	do	do	139.84	

Total: 10 wooden sail vessels; 1,982.41 tons.

Summary statement of foreign-built sailing and steam vessels now belonging in the several districts of the United States and sailing under the United States flag.

STATES AND DISTRICTS.	SAIL.		STEAM.		TOTAL.	
	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.
MAINE.						
Passamaquoddy	13	695.11			13	695.11
Machias	3	365.92			3	365.92
Frenchman's Bay	5	404.24			5	404.24
Bangor	2	340.76			2	340.76
Total	23	1,806.03			23	1,806.03
MASSACHUSETTS.						
Gloucester	1	34.23			1	34.23
Boston	12	2,570.88	7	7,030.85	19	9,601.73
New Bedford	8	1,267.55			8	1,267.55
Edgartown	1	31.52			1	31.52
Total	22	3,904.18	7	7,030.85	29	10,935.03
RHODE ISLAND.						
Providence	1	549.37			1	549.37
CONNECTICUT.						
New London	1	152.44			1	152.44
NEW YORK.						
New York	34	10,999.55	3	1,640.14	37	12,639.69
Sag Harbor	1	144.97			1	144.97
Cape Vincent	5	984.81			5	984.81
Oswego	13	2,227.12			13	2,227.12
Buffalo Creek	2	591.12			2	591.12
Dunkirk	1	34.79			1	34.79
Total	56	14,982.36	3	1,640.14	59	16,622.50
NEW JERSEY.						
Perth Amboy			2	1,429.86	2	1,429.86
PENNSYLVANIA.						
Philadelphia	8	994.08	2	747.36	10	1,741.44
Erie	4	508.62			4	508.62
Total	12	1,502.70	2	747.36	14	2,250.06
MARYLAND.						
Baltimore	1	138.23	2	699.19	3	837.42
SOUTH CAROLINA.						
Georgetown	1	160.38			1	160.38

8 FOREIGN-BUILT VESSELS EMPLOYED IN AMERICAN COMMERCE.

Summary statement of foreign-built sailing and steam vessels, &c.—Continued.

STATES AND DISTRICTS.	SAIL.		STEAM.		TOTAL.	
	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.
FLORIDA.						
Key West.....			1	140. 15	1	140. 15
ALABAMA.						
Mobile.....			1	184. 76	1	184. 76
LOUISIANA.						
New Orleans.....	5	198. 65	6	3, 172. 27	11	3, 370. 92
TEXAS.						
Texas.....			1	54. 53	1	54. 53
Saluria.....	2	33. 22			2	33. 22
Total.....	2	33. 22	1	54. 53	3	87. 75
OHIO.						
Cuyahoga.....	2	464. 61			2	464. 61
MICHIGAN.						
Detroit.....	7	1, 783. 04	2	321. 63	9	2, 104. 67
Grand Haven.....	10	1, 982. 41			10	1, 982. 41
Total.....	17	3, 765. 45	2	321. 63	19	4, 087. 08
Grand total in United States..	143	27, 657. 62	27	15, 420. 74	170	43, 078. 36

Summary statement of Wooden and Iron Vessels now sailing under the United States flag which are of foreign build.

Built of—	SAIL.		STEAM.		TOTAL.	
	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.
Wood.....	143	27, 657. 62	8	2, 763. 66	151	30, 421. 28
Iron.....			19	12, 657. 08	19	12, 657. 08
Total.....	143	27, 657. 62	27	15, 420. 74	170	43, 078. 36

Summary statement showing the manner in which the above foreign-built vessels have been admitted to American registry.

	Vessels.	Tons.
Admitted under the act of December 23, 1852*	90	20, 428. 13
Admitted under special acts of Congress.....	38	7, 697. 22
Prize.....	29	13, 256. 66
Sold by the United States marshal.....	3	263. 95
Brought to the United States in sections.....	1	33. 77
Unknown.....	9	1, 398. 63
Total.....	170	43, 078. 36

* The act of December 23, 1852, authorizes the Secretary of the Treasury to issue marine papers to any foreign-built vessel wrecked in the waters of the United States and rebuilt by citizens of the United States, provided that the cost of rebuilding is equal to three times the value of the wreck.

LETTER
OF
THE SECRETARY OF THE INTERIOR

COMMUNICATING,

In compliance with a resolution of the Senate of April 21, 1870, information in relation to the Indians of Southeastern Oregon.

MAY 3, 1870.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 30, 1870.

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate dated the 21st instant, requesting to be informed as to the condition of the Indians of Southeastern Oregon, their location, and what provision, if any, is necessary to be made for their establishment and support.

In reply to the inquiry thus made, I have the honor to transmit herewith a copy of a letter from the Commissioner of Indian Affairs, dated the 25th instant.

Very respectfully, your obedient servant,

W. T. OTTO,
Acting Secretary.

Hon. SCHUYLER COLFAX,
President of the Senate.

DEPARTMENT OF THE INTERIOR, INDIAN OFFICE,
Washington, D. C., April 25, 1870.

SIR: I have the honor to acknowledge the receipt, by reference from your department, of Senate resolution of the 21st instant, requesting you to "inform the Senate as to the condition of the Indians in Southeastern Oregon, their location, and what provision, if any, is necessary to be made for their establishment and support."

This resolution having been referred to this office for report, I would state in reply that, with the exception of the Modocs, the Indians referred to have no treaties with the government, and, consequently, but very little has been done toward locating them upon reservations, providing them with the necessaries of life, and making provision for their future support. The Modocs have a reservation set apart for them on Sprague River in Southern Oregon, under the treaty made with them and the Klamath Indians in 1864, but most of the tribe have refused to

go there, although efforts have been made to have them do so. With a portion of the funds appropriated last year for re-establishing the Shoshones, Bannacks, and other strolling bands of Indians in Southern Idaho and Southeastern Oregon on the Fort Hall reservation in Idaho, or on the Siletz or Klamath reservation in Oregon, quite a number of the Shoshones in Southeastern Oregon have been removed to the Klamath reservation and furnished with food, clothing, &c., and it is believed there will be little, if any, trouble in keeping them there, so long as their actual wants are supplied. As it is desired to make further efforts to have the Indians referred to permanently located upon the Klamath, or some other reservation in Oregon, the same amount that was appropriated last year to re-establish them and other Indians in Idaho on reservations, was embraced in the regular estimate of this office of appropriations required for the Indian service for the next fiscal year. (See Estimates of Appropriations, page 179.) By reference, however, to House bill 1169, page 52, as reported in the Senate, it will be seen that the wording of the estimate as submitted by this office has been so changed that no part of the money, if appropriated, can be used for the removal, re-establishment, and subsistence of any of the Indians in Oregon; and in view of this fact, I would respectfully suggest that the words "and Oregon" be added at the end of the 1256th line of said bill, that the funds may be used for the removal, &c., of Indians in Oregon as well as in Idaho.

I herewith return the resolution inclosed with your reference of the 22d instant.

Very respectfully, your obedient servant,

E. S. PARKER.

Commissioner.

Hon. J. D. Cox,

Secretary of the Interior.

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REPORT
OF THE
THE SECRETARY OF THE INTERIOR
COMMUNICATING,

In compliance with a resolution of the Senate of April 15, 1870, information in relation to public lands in Louisiana.

MAY 10, 1870.—Referred to the Committee on Public Lands and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 10, 1870.

SIR: Pursuant to the Senate resolution of the 15th ultimo I have the honor to transmit herewith the report of the Commissioner of the General Land Office of yesterday, in relation to public lands in the State of Louisiana.

I am, sir, very respectfully, your obedient servant,

J. D. COX,
Secretary.

Hon. SCHUYLER COLFAX,
Vice President of the United States and President of the Senate.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
May 9, 1870.

SIR: I have the honor to return herewith the attested copy of a resolution, adopted by the United States Senate on the 15th ultimo, in the following words, which was referred to this office for report, viz:

“Resolved, That the Secretary of the Interior be directed to communicate to the Senate a statement of the lands belonging to the United States, lying in the State of Louisiana, remaining undisposed of, and in what parishes the same are situate; also what portion of the same have never been surveyed, and the reason thereof, and where situate, and their probable value; also the amount of public lands in said State disposed of during the years 1865-’66-’67-’68 and 1869; also the number and location of the respective land offices in said State, and the annual cost of maintaining the same.”

In reference to the subject of this resolution I have to report, first: That the quantity of public lands in Louisiana which remained unsold and unappropriated on the 30th June, 1869, the close of the last fiscal year, is estimated at six million five hundred and nineteen thousand acres, the surveyed portion of which consists of numerous tracts scattered throughout the State. The records of this office deal with these

tracts only as delineated on the official township plats by the lines of United States surveys without regard to the limits of the State parishes, which are irregular and do not coincide with the lines of survey, and hence it is not practicable without protracted labor to give the specific quantities falling within the limits of the respective parishes.

Second. It appears that of the public lands undisposed of in Louisiana there are seventy-two townships not yet surveyed, containing an estimated area of one million five hundred thousand acres, falling within the parishes of Calcasieu, La Fourche, Plaquemine, Terre Bonne, Vermilion, and Ascension, as indicated on a map of the State in this office. Of these townships, it appears that sixty-seven were not surveyed, for the reason that at the time of the survey of the adjacent lands they were reported subject to overflow and not fit for cultivation, yet the same, or a majority of them are now considered fit for cultivation; the remaining five townships were not surveyed because embraced in the suspended "Houmas claim."

In regard to this large quantity of lands not yet surveyed it is not in our power with the limited data in our possession regarding the same to estimate their value, having reference, as would be necessary, to the varieties of situation, quality of soil, and other circumstances affecting the value of particular tracts.

Third. It appears that during the fiscal year ending on the 30th June, 1865, there were no offices open for the disposal of public lands in Louisiana, and Congress, by act of June 21, 1866, inhibited the disposal thereof after its passage, except as homesteads to actual settlers in limited quantities. During the fiscal year ending the 30th June, 1866, there were no disposals, except 63.36 acres sold before the passage of the inhibiting act; for the fiscal years ending 30th June, 1867, 1868, and 1869, the following quantities were entered as homesteads, viz: for 1867, 4,659.52 acres; 1868, 278.79 acres; 1869, 63,003.21 acres; and from the 1st of July, 1869, to 31st of December, 1869, 49,197.32 acres were so entered, making the whole quantity for the years 1865, 1866, 1867, 1868, and 1869, 117,202.20 acres.

Fourth. There are two district land offices in Louisiana, located respectively at New Orleans and Natchitoches, the annual cost of maintaining which may be stated at \$1,200 for each office, being \$1,000 for salaries of register and receiver, and an allowance of \$200 for incidental expenses, amounting to \$2,400 for the two offices.

Very respectfully, your obedient servant,

JOS. S. WILSON,
Commissioner.

Hon. J. D. Cox,
Secretary of the Interior.

LETTER

FROM

THE POSTMASTER GENERAL

COMMUNICATING,

In compliance with a resolution of the Senate of the 19th instant, information in relation to postage statistics.

MAY 23, 1870.—Ordered to lie on the table and be printed.

POST OFFICE DEPARTMENT,
Washington, D. C., May 21, 1870.

SIR: I have the honor to reply to the several inquiries made in the resolution of the Senate of the 19th instant, relative to postage statistics, as follows:

1. In answer to the inquiry, "What were the expenses and receipts of the post office in the different States and Territories during the last year," I beg to refer to the tabulated statement thereof reported by the auditor for this department for the fiscal year ended June 30, 1869, and published in the Appendix of the last Annual Report of this department, pages 112 and 113.

2. I regret that it is not possible to state the number of letters annually mailed for the last five years, as no account is taken by postmasters, or reports made of the numbers of letters mailed. The number of letters can only be approximately estimated, on the amount of letter postage collected in money, the amount of postage stamps sold, and a reasonable estimate for free matter. In a communication which I addressed to the President of the Senate, on the 26th of February last, the number of letters delivered in the United States during the fiscal year 1868 was estimated at 488,000,000. My predecessor, in his annual report of that year, estimated the whole number of letters at 720,000,000, which estimate I was unable to verify by reliable data, and considered excessive, as shown by the fact that the number of letters delivered in the United Kingdom of Great Britain and Ireland (where the single rate of postage is only one penny, (two cents,) and the postage receipts five millions of dollars per annum greater than in the United States) was officially reported for the calendar year 1867 at only 774,831,000.

3. The annual increase in money orders was reported in tabular form in the last annual report of this department, (page 29,) to which I beg leave respectfully to refer. A summary is there given of the operations and results of the money-order business from its establishment, embracing a period of five years, from 1865 to 1869, inclusive.

4. As no separate account is taken of registered letters, it is impossible to state what is their number or their annual increase. The fact is

known, however, that the number of registered letters is constantly increasing. The recent legislation authorizing the payment of the registration fee by means of postage stamps increases the difficulty of keeping separate accounts of registered matter; and to keep such accounts for statistical purposes would require a large increase in the clerical force of the post office establishment.

5. The increase of stamps and stamped envelopes is reported in each annual report of this department. I respectfully refer to the statement thereof in the last Report, (page 8,) exhibiting, in tabular form, the increase in issues in 1869 as compared with the issues in 1868. The number of stamps, stamped envelopes, and newspaper wrappers, and the value thereof, as stated in the last four annual reports of this department, were as follows:

Year.	Number.	Value.
1866.....	386,829,050	\$11,988,668 25
1867.....	434,686,255	13,401,063 00
1868.....	459,865,150	13,863,124 00
1869.....	502,722,560	15,078,061 50

6. Returns of the weight of mail matter were made by different railroads for the first time in 1867, the weight being taken only for thirty consecutive working days, commencing on the 1st of April, 1867. An analysis of these returns was published in the Annual Report of 1867, on pages 72 to 89, inclusive, and reference was made thereto in the text of that report, (pages 10 to 13.) The only returns since received, capable of comparison with those of 1867, were from roads chiefly in the New England States and the State of New York, for thirty days from 1st March, 1869; an analysis of which appears in the Report for 1869, (pages 75 to 85,) and a reference thereto in the text on pages 10 and 11.

7. The number and the annual increase of the letters exchanged with foreign countries, (exclusive of the British North American Provinces, of which no account is taken,) are reported in tabular form, and published in the appendix of each annual report of this department. During the last five years the number and the increase of foreign letters (single rates) have been as follows:

	Number.	Increase.
1865.....	7,401,705	377,175
1866.....	9,430,566	2,028,961
1867.....	10,298,234	867,668
1868.....	11,128,532	830,298
1769.....	12,596,654	1,468,132

8 and 9. In regard to the proportion of letters to population in the United States during the last year, and in Great Britain, according to the latest report, I have to observe, that it is quite impossible to furnish that information with accuracy, as both the number of letters and the population of the United States can only be approximately estimated. In my letter of 26th February, 1870, addressed to the President of the Senate, (Ex. Doc. No. 53, 41st Congress, 2d Session,) in answer to a resolution of the Senate requesting information in relation to the proposed abolition of the franking privilege, I submitted the following statement in tabular form, comparing the postal service of the United States and of the United Kingdom for the year 1867-'68:

	United States, year ending 30th June, 1868.	United Kingdom, year ending 31st Dec., 1867.
Population, (estimated).....	40,092,356	30,305,284
Number of letters delivered, (estimated).....	488,000,000	774,831,000
Number of letters to each person.....	12	26
Gross revenue.....	\$16,232,148.16	\$23,341,070
Amount of revenue to each person of aggregate population.....	40 cents.	77 cents.

I have the honor to transmit herewith, for further particulars in detail bearing upon the questions propounded in the resolution of the Senate, copies of the Annual Reports of this department for the years 1865, 1866, 1867, 1868, and 1869.

I am, very respectfully, your obedient servant,

JNO. A. J. CRESWELL,
Postmaster General.

Hon. SCHUYLER COLFAX,
President of the Senate.

It is a common knowledge that the
University of Chicago is one of the
most important institutions in the
United States. It is a place where
the highest quality of education is
provided. The University is known
for its research and its commitment
to the advancement of knowledge.

THE UNIVERSITY OF CHICAGO
CHICAGO, ILLINOIS

LETTER
OF
THE SECRETARY OF WAR
COMMUNICATING,

In compliance with a resolution of the Senate of January 10, 1870, information in relation to the Fort Ripley military reservation in Minnesota.

MAY 23, 1870.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington, May 20, 1870.

The Secretary of War has the honor to report to the Senate of the United States, in compliance with the resolution of January 10, 1870, that, until a new military post shall be established further to the north, the Fort Ripley military reservation, with its existing facilities for quartering and supplying a garrison, will be required for the protection of settlers against Indians, and cannot be wholly relinquished without detriment to the public interests. But it is recommended that all that portion of the reservation lying east of the Mississippi River, except such tract as the Secretary of War shall designate and set apart as a hay reserve, be restored by law to the body of the public lands and opened to settlement.

WM. W. BELKNAP,
Secretary of War.

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MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES

COMMUNICATING,

In compliance with a resolution of the Senate of the 18th instant, information in relation to the passage of any English or Canadian steamer through the canal of the Sault Ste. Marie.

MAY 23, 1870.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate of the United States :

I transmit to the Senate, in answer to their resolution of the 18th instant, calling for information relative to the passage of any English or Canadian steamer through the canal of Sault Ste. Marie, a report from the Secretary of State, with accompanying papers.

U. S. GRANT.

WASHINGTON, May 21, 1870.

DEPARTMENT OF STATE,
Washington, May 21, 1870.

The Secretary of State, to whom was referred the resolution of the Senate of the 18th instant, requesting the President to communicate, "if in his opinion not inconsistent with the public interests, copies of any correspondence or papers on the files of the Department of State relating to the passage of any English or Canadian steamer through the canal of Sault Ste. Marie," has the honor to lay before the President the papers specified in the accompanying list.

HAMILTON FISH.

The PRESIDENT.

List of accompanying papers.

Governor Baldwin to the President, (telegram,) May 3, 1870.

Mr. Fish to Governor Baldwin, May 3, 1870.

Mr. Thornton to Mr. Davis, May 16, 1870.

Mr. Davis to Governor Baldwin, (telegram,) May 16, 1870.

Mr. Davis to Mr. Thornton, May 17, 1870.

Mr. Thornton to Mr. Davis, May 18, 1870.

Governor Baldwin to the President.

[Telegram.]

DETROIT, *Michigan*, May 3, 1870.General U. S. GRANT, *President of the United States* :

Information apparently reliable is furnished me that the Canadian government are intending to send troops within a day or two from Collingwood to Red River, via Sault Ste. Marie Canal. Is it your wish that I direct the superintendent of canal not to allow its use for that purpose without positive instructions from Washington?

H. P. BALDWIN,
Governor of Michigan.

Mr. Fish to Governor Baldwin.

DEPARTMENT OF STATE,
Washington, May 3, 1870.

SIR: The President directs me to acknowledge the receipt of your telegram of this date stating that information, apparently reliable, has been furnished you that the Canadian government are intending to send troops from Collingwood to Red River, via Sault Ste. Marie Canal, and inquiring if it be his wish that you direct the superintendent of canal not to allow its use for that purpose without positive instructions from Washington.

The President desires me to say that the granting of transit through or over any part of the territory of the United States to the military force of a foreign power is wholly within the control and discretion of the federal government; and he desires, therefore, that no military expedition of any foreign power, whether of troops or of boats, intended for the purpose of taking part in any military or warlike expedition, or of warlike material, be allowed to pass through the Sault Ste. Marie Canal without express instructions to that effect from the government at Washington.

I have the honor to be, your excellency's obedient servant,

HAMILTON FISH.

His Excellency H. P. BALDWIN,
Governor of Michigan, Lansing.

Mr. Thornton to Mr. Davis.

WASHINGTON, May 16, 1870.

SIR: I have the honor to inform you that I have received a telegram from the governor general of Canada stating that the Canadian steamer *Chicora*, carrying an ordinary commercial freight and no war stores, has been prevented from passing through the Sault Ste. Marie Canal, the superintendent stating, as is reported, that he would not allow the vessel to go through even empty. His excellency has therefore requested me to convey to you his hope that the government of the United States will give orders that the above-mentioned canal shall remain on the same footing as regards Canadian vessels as the Welland Canal is with regard

to vessels of the United States, there being no intention to send through the canal any munitions of war for the expedition which is about to proceed to the Red River settlement, and that the Chicora and other vessels of that class will be allowed to pass through.

Any difficulty which may have existed with the inhabitants of that settlement has now been amicably arranged. A liberal act for the government of that country as a province has been passed by the Canadian Parliament, and the delegates from the convention representing the whole population of the Fort Garry district have acknowledged themselves well dealt with and satisfied. The expedition, therefore, which is now being sent to that settlement, is in no way to bear a hostile character; it will be a peaceful expedition with the object of maintaining good order in that district, and of insuring the regular and harmonious establishment of the new government.

I have the honor to be, with the highest consideration, sir, your obedient servant,

EDW'D THORNTON.

Hon. J. C. BANCROFT DAVIS, &c., &c., &c.

Mr. Davis to Governor Baldwin.

[Telegram.]

WASHINGTON, May 16, 1870.

His Excellency H. P. BALDWIN, *Governor of Michigan, Lansing:*

SIR: Referring to Secretary Fish's telegram of the 3d instant, I have the honor to inform you that the British minister, at Washington, notifies this department that the recent difficulties in the Red River country are amicably arranged to the satisfaction of the delegates from the convention representing the whole population of the Fort Garry district, and that the present expedition is a peaceful one, and that there is no purpose to send through the canal any troops or munitions of war. Under these circumstances, the President directs me to say that the government of the United States does not desire to oppose the passage of the Chicora, and other vessels of that class, through the canal in the jurisdiction of the United States, so long as they do not carry troops and munitions of war.

J. C. BANCROFT DAVIS,
Acting Secretary of State.

Mr. Davis to Mr. Thornton.

DEPARTMENT OF STATE,
Washington, May 17, 1870.

SIR: I have the honor to acknowledge the receipt of your note of the 16th instant, informing me that you have received a telegram from the governor general of Canada stating that the Canadian steamer Chicora, carrying an ordinary commercial freight and no war stores, has been prevented from passing through the Sault Ste. Marie Canal, and further

informing me that any difficulty which may have existed with the inhabitants of the Red River settlement has now been amicably arranged, and that the delegates from the convention representing the whole population of the Fort Garry district have acknowledged themselves well dealt with and satisfied, and that the expedition which is now being sent to that settlement will be a peaceful expedition, and with the object of maintaining good order in that district, and of insuring the regular and harmonious establishment of the new government; and further, on behalf of the governor general of Canada, expressing the hope that the government of the United States will give orders that the above-mentioned canal shall remain on the same footing, as regards Canadian vessels, as the Welland Canal is with regard to vessels of the United States, there being no intention to send through the canal any munitions of war for the expedition which is about to proceed to the Red River settlement, and that the Chicora, and other vessels of that class, may be allowed to pass through.

In reply I have the honor to inform you that, under instructions from the President, the governor of the State of Michigan has been notified by telegraph that, in consequence of your representations the government of the United States does not desire to oppose the passage of the Chicora, and other vessels of that class, through the canal in the jurisdiction of the United States, so long as they do not carry troops and munitions of war.

I have the honor to be, with the highest consideration, sir, your obedient servant,

J. C. BANCROFT DAVIS.

Acting Secretary.

EDWARD THORNTON, Esq., C. B., &c., &c., &c.

Mr. Thornton to Mr. Davis.

WASHINGTON, May 18, 1870.

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, informing me of the notification which, under instructions from the President, has been made to his excellency the governor of Michigan, and I shall feel much obliged to you if you will convey to the President my best thanks for the decision which has been come to.

I may add that, since writing my note of the 16th instant, information has reached me that the Canadian steamer Chicora was a regular trader on the line between Collingwood and Lake Superior, and carried, when she was prevented from passing through the Sault Ste. Marie Canal, nothing but goods for the Hudson's Bay Company.

I have the honor to be, sir, with the highest consideration, your obedient servant,

EDW'D THORNTON.

Hon. J. C. BANCROFT DAVIS, &c., &c., &c.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES

COMMUNICATING,

In compliance with a resolution of the Senate of the 12th instant, information in relation to an organized band of persons at Cheyenne, in the Territory of Wyoming or vicinity, the number and designs of such persons.

MAY 23, 1870.—Read, ordered to lie on the table and be printed.

To the Senate of the United States :

In response to your resolution of the 12th instant, requesting information in relation to an organized band of persons at Cheyenne, in the Territory of Wyoming, or vicinity, the number and designs of such persons, I transmit herewith the reports of the Secretary of War and the Secretary of the Interior, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION, May 23, 1870.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., May 13, 1870.

SIR: I have the honor to acknowledge the receipt, by reference from your department, of the resolution of the United States Senate, dated the 12th instant, requesting the President "to communicate to the Senate any information in his possession in relation to an organized band of persons at Cheyenne, in the Territory of Wyoming, or vicinity, the number and designs of such persons, if not deemed inconsistent with the public interests."

Herewith I transmit a copy of the correspondence in the possession of this office, relative to the Big Horn Mountain Mining and Exploring Association, to which doubtless the resolution refers. The number of persons composing it is not known to this office; according to the statement in the paragraph taken from the Chicago Times, which is with the papers herewith, it will be about two thousand. Governor Campbell, of Wyoming Territory, remarks that the association has agents all over the country and will be able to muster a large force. The original design, it has been represented, was to prospect and open for settlement the unceded Indian lands in the Big Horn country, and according to the writer of the article in the Chicago Times, to drive out the Indians. Since, however, the government has looked with disfavor

2 ENCROACHMENTS UPON INDIANS IN WYOMING TERRITORY.

upon the project it is declared that the purpose is to prospect the country on the western slope of Big Horn Mountain, or, as stated by the executive committee of the association, the opening of whatever country in Northern Wyoming the people by law have the right to explore and settle upon.

The resolution is herewith returned.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

Hon. J. D. Cox,
Secretary of the Interior.

WHETSTONE AGENCY, DAKOTA TERRITORY,
February 23, 1870.

SIR: I have the honor to call your attention to the subjoined extract from the Chicago Times of February 18th instant, in reference to the exploration of the Big Horn country, and to state in reference thereto, that it is understood by white men engaged in the expedition, who at present reside at this agency, that the Black Hills within this reservation are to be explored by this organization. The Indians located here are very much alarmed, and express the hope that their Great Father will protect them against this encroachment.

Very respectfully, your obedient servant,

DE WITT C. POOLE,
Indian Agent.

Hon. E. S. PARKER,
Commissioner of Indian Affairs, Washington, D. C.

[Extract referred to in the foregoing letter.]

FRONTIER EXPEDITION.

Colonel Luke Morrin, mayor of Cheyenne, is in this city, organizing an expedition to start from Omaha and Cheyenne about the middle of April, to explore the Big Horn country, three hundred miles north of Cheyenne. This region of territory is known to be rich in mineral and agricultural resources, particularly in gold quartz. The climate is good; the country is traversed by large rivers; is well watered, and for farming purposes it is unequalled. The object of the expedition is to drive out the Indians and bring the soil under the control of those who will develop its latent treasures. The expedition will comprise about two thousand young men, accompanied by a military escort of three hundred soldiers to be furnished by the government. All the members of the expedition will be armed and under the control of a military commander, to be chosen by themselves. Members will be carried by the railroads to Cheyenne for \$37, one-half the regular fare.

Colonel Morrin will remain at the Sherman House a few days longer, and persons wishing to join the expedition can receive all necessary information by calling upon him.

WHETSTONE AGENCY, DAKOTA TERRITORY,
March 4, 1870.

SIR: I have the honor to report, in compliance with instructions, the condition of affairs at this agency during the month of February last past.

The Indians are becoming unsettled in consequence of continued

rumors circulated among them in reference to exploring expedition now being fitted out at Cheyenne, on Union Pacific railroad, and at and near Fort Laramie, ostensibly to "prospect" for gold near the Big Horn Mountains, but really, it is said, to visit the Black Hills, which are situated upon the western boundary of this reservation, and within the country (at one time occupied by Forts Kearney, Reno, and C. F. Smith) given up to the Sioux under Red Cloud and Man Afraid of His Horses. The Indians at and near this agency affiliate more or less with these latter bands, and there is no doubt, if an organization of the kind mentioned is allowed to enter into their country, a war upon the expedition will be commenced, the results of which will be difficult to foretell.

The leader of the expedition announces through the public journals that they will be escorted by at least three hundred United States troops through the country mentioned. The chiefs have noted this statement. I have informed them that in my opinion the government would not furnish them troops, and that the expedition would not be allowed to enter upon any part of their reservation. In view of the unsettled condition of the Indians drawing supplies from this agency, and the many difficulties the better or more peaceful part of them have in keeping the more restless and hostile quiet, and the avowed policy of the government "to keep the peace with the Indians," it seems to me it would be well to urge upon the department the necessity of giving the Indians assurance that they shall be protected in their rights with regard to their exclusive occupancy of this reservation, and I respectfully ask that I may be informed more fully upon this subject at as early a day as possible.

* * * * *

Very respectfully, your obedient servant,

DE WITT C. POOLE,

Captain United States Army and Indian Agent.

Hon. JOHN A. BURBANK,

Ex Officio Superintendent Indian Affairs,

Yankton, Dakota Territory.

DEPARTMENT OF THE INTERIOR,

OFFICE INDIAN AFFAIRS,

Washington, D. C., March 15, 1870.

SIR: I have the honor to transmit herewith a copy of a letter dated the 23d ultimo, and a copy of a portion of a report of affairs of his agency for February, dated the 4th instant, from Captain De Witt C. Poole, agent for the Sioux Indians of the Whetstone Creek agency, informing this office of a party being formed by citizens at Cheyenne City and Omaha, ostensibly to explore the Big Horn country, but really to visit the Black Hills within the Sioux reservation; also a copy of an extract from the Chicago Times in reference to the matter, showing that the mayor of Cheyenne is at the head of the movement; that the party or expedition will comprise about two thousand young men, and be accompanied by three hundred soldiers, to be furnished by the government; and that its chief object is to drive out the Indians from the Big Horn country and bring the soil under the control of those who will develop its latent treasures. Agent Poole remarks that the Indians of his agency are very much alarmed, and express the hope that their "Great Father" will protect them against such an encroachment upon their reservation.

That a project of the character thus described has been determined upon, and that the Black Hills country is intended to be visited and occupied by the parties interested in it, I have no doubt, although I, of course, do not believe the statement that an escort of soldiers has been promised by the government. Whatever may be the real purposes of the projectors of this contemplated expedition, and the extent they are prepared to carry out their designs, it is sufficient to know that the Sioux Indians are much disturbed and look to the government for protection of their rights, and in order to assure them of its purpose so to do, steps should be taken to prevent this expedition from entering their country. If an encroachment upon their reservation by this exploring party be permitted, in my judgment the result will inevitably be war against the party, and perhaps hostilities against all citizens by the Sioux bands. I do not think the expedition should be allowed even to explore the country of the Big Horn, if the object be to drive out the Indians residing there, within the country reserved to or occupied by them.

Entertaining these views, I respectfully submit the matter for your consideration, and suggest that it be laid before the President for such action as he may deem proper.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

Hon. J. D. Cox,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 21, 1870.

SIR: I herewith have the honor to lay before you, for such action as may be deemed expedient, a copy of a communication dated the 15th instant from the Commissioner of Indian Affairs, and accompanying copies of letters from Captain De Witt C. Poole, agent for the Sioux Indians of the Whetstone agency, reporting to this department a contemplated expedition by citizens of Cheyenne and Omaha, ostensibly to explore the Big Horn country, but really to visit the Black Hills within the Sioux reservation.

With great respect, your obedient servant,

J. D. COX, *Secretary.*

The PRESIDENT.

[Indorsements.]

EXECUTIVE MANSION, March 23, 1870.

Respectfully referred to the Secretary of War, who is requested to direct the military authorities to inquire into the real object of this pretended exploring party, and to prevent it from molesting the Indians upon their reservation.

By direction of the President:

HORACE PORTER,
Secretary.

Respectfully referred to the General of the Army.

By order of the Secretary of War:

ED. SCHRIVER,
Inspector General.

MARCH 23, 1870.

HEADQUARTERS OF THE ARMY,

Washington, D. C., March 24, 1870.

Respectfully submitted to General P. H. Sheridan for report.

W. T. SHERMAN, *General.*

WASHINGTON, *March 29, 1870.*

These papers are again submitted to the Secretary of War, with the belief that General Augur has done all that the case requires, except he need the assurance of the administration that the object of the expedition is calculated to produce collision and conflict; the parties should be warned, as they have been, to desist, and then force used to prevent the party from starting.

W. T. SHERMAN, *General.*

WYOMING TERRITORY, EXECUTIVE DEPARTMENT,

Cheyenne, March 23, 1870.

SIR: I have the honor to forward herewith a communication from the executive committee of what is known as the Big Horn Mountain Mining and Exploring Association. This communication was called out by my notification to the committee that they would not be permitted to encroach upon Indian lands, where it was their first intention to go. As they now disclaim any such intention, I would respectfully request that I may be informed whether the military orders to prevent the starting of the expedition will still be enforced.

With great respect, your obedient servant,

J. A. CAMPBELL,

Governor of Wyoming Territory.

The PRESIDENT.

CHEYENNE, WYOMING,

March 21, 1870.

GOVERNOR: The undersigned, the executive committee of the Big Horn Mountain Mining and Exploring Association, now being organized in our city, having heard that the government looks with disfavor upon any expedition of miners or other persons going upon the hunting grounds of the Sioux or the reservations of the Shoshone or Crow Indians in said section of country, take this method of informing you that the objects of this association are civil and not military. We seek to open up whatever of country in Northern Wyoming we, by the laws of the land, have a right to explore and settle upon, and shall not, in any instance, encroach upon Indian reservations or privileged hunting grounds.

Respectfully,

THOMAS D. MURRIN.

L. F. HATHAWAY.

CHARLES BENO.

H. GARBONATE.

His Excellency J. A. CAMPBELL,

Governor of Wyoming Territory.

WYOMING TERRITORY, EXECUTIVE DEPARTMENT,
Cheyenne, March 23, 1870.

GENERAL: I have the honor to acknowledge the receipt of a copy of your communication of the 7th instant to the President, relative to Indian affairs, and notice that portion in which you refer to the Big Horn expedition, now being fitted out in this Territory for the purpose of prospecting on the unceded Indian lands. I believe it to be true that you have correctly stated the original object of the expedition, which was to move into that portion of our Territory reserved for the Indians by the treaty of 29th April, 1868, at Fort Laramie. It will, however, be seen, from the inclosed communication from the executive committee of the association, that the leaders of this expedition, since they find that the government looks with disfavor upon the proposed violation of our obligations, disclaim any such intention, and state that their prospecting will be confined to the western slope of the mountains. This expedition is much larger and more thoroughly organized than I had supposed. They have agents all over the country, and I have no doubt they will be able to muster a large force. It will, of course, be possible to prevent their starting entirely, but whether such a course will be politic under all the circumstances may be doubted. I do not believe that the committee of self-constituted leaders can control their followers and prevent their entering Indian reservations, if they are so inclined. It is more than probable that if the expedition starts and reaches the borders of the Indian lands, that those lands will be encroached upon. This will give the Indians cause for war, and the parties who bring it on will, in such a case, be justly held responsible for much of the horror and barbarity that will ensue when the Indians take the war path, and our exposed stations are sacked and burned, the settlers murdered, and the trains on the Pacific railroad either entirely stopped or the road rendered so insecure that its value as a national highway will be greatly diminished. But I do not know whether there is any authority for stopping an avowedly peaceful expedition, whose professed intention it is merely to explore and develop lands belonging to the United States. If such authority does exist, and if it is the intention of the administration to prevent the starting of the expedition, it is of great importance that it be made known immediately. I have addressed the inclosed communication to the President because I do not know what department the permission or refusal would come from.

But there is another view of this subject which I desire to lay before you. It is my impression, an impression derived partly from reports and rumors I have heard here, and partly from advice received through the Indian Bureau from General Stanley, that the Sioux will take the war path this summer whether the Big Horn expedition starts at all or not. The refusal or neglect of Congress to fulfill our treaty stipulations has so exasperated them that I fear nothing can now be done to quiet them. We can have little hope that they will believe any future promises when they find promises solemnly made by our most eminent citizens acting under a special law of Congress are totally disregarded. War appears almost inevitable, or at least so imminent that self-protection demands that we should take measures to meet it. Under these circumstances, would not the presence of, say, one thousand self-armed and self-provisioned men, be of great assistance to the few troops that can be spared us from other threatened portions of the country; and would it not be better to give the expedition official sanction, and thus secure their co-operation with the military in the event of Indian hostilities during the coming summer? I make these suggestions for your con-

sideration, well knowing, however, that you have a wider field to look over, and other interests than those that affect only our people to consult.

Whatever course may be determined upon by the administration will receive my cordial support.

Very respectfully, your obedient servant,

J. A. CAMPBELL,
Governor of Wyoming Territory.

Hon. J. D. Cox,
Secretary of the Interior, Washington, D. C.

WYOMING TERRITORY, EXECUTIVE DEPARTMENT,
Cheyenne, March 24, 1870.

DEAR GENERAL: I have the honor to acknowledge the receipt of your letter of the 21st instant, informing me of the orders you have received to prevent the Big Horn expedition from invading the unceded Indian lands in the northeastern portion of this Territory. The publication of your letter in the newspapers has made the wishes of the government known to all our people, and I can assure you that, so long as the treaty remains in force, the Indian lands will not be encroached upon by the people of Wyoming. It was the original intention of those who originated the association to prospect and open up to settlement what is known as the Big Horn country. At that time, however, they were unaware of the existence of the sixteenth article of the treaty of 29th April, 1867, at Fort Laramie, an ignorance perfectly excusable, when we consider the fact that no other treaty made by the peace commission contains any similar provision.

Now that the law is known it will be respected.

Very respectfully, your obedient servant,

J. A. CAMPBELL.

Major General C. C. AUGER,
Commanding Department of the Platte, Omaha, Nebraska.

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebraska, March 28, 1870.

Official copy. Respectfully furnished for the information of the Lieutenant General, commanding Military Division of the Missouri.

C. C. AUGUR,
Brevet Major General Commanding.

HEADQUARTERS MILITARY DIVISION MISSOURI,
Chicago, March 31, 1870.

Respectfully forwarded to the Adjutant General of the Army, for the information of the General-in-Chief.

P. H. SHERIDAN,
Lieutenant General Commanding.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 31, 1870.

SIR: I have the honor to transmit herewith, for your information, a copy of the correspondence between Governor Campbell, of Wyoming

Territory, and Major General C. C. Augur, commanding the Department of the Platte, in relation to a contemplated expedition to the Big Horn country.

Very respectfully, your obedient servant,

J. D. COX,
Secretary.

Hon. SECRETARY OF WAR.

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebraska, March 12, 1870.

GENERAL: I have just returned from Cheyenne, where I went for the purpose of ascertaining as nearly as possible whether there really was a party organized for the purpose of going into the Big Horn country.

There is, unquestionably, such an organization, and the inclosed communication from its executive committee, addressed to me, shows its purpose and object. Its organization embraces many of the most respectable citizens of Wyoming Territory, and its leaders claim that about two thousand persons will be connected with it. Their communication to me shows them to be thoroughly familiar with the provisions of the treaty which gives the northern Sioux the exclusive right to occupy the country which the expedition proposes to explore.

I said to them that the government had heard of this expedition, and was apprehensive that its going into that country would bring about an Indian war, which it was desirable to avoid; and that unless some arrangement could be made removing the government's objections, the expedition would not be permitted to go, and that the only way to meet the question fully was to ask to have the obnoxious article of the treaty abrogated. This they have done.

The professed object of the commission which made the treaty of 1868 with the northern Sioux was to find a suitable reservation large enough to contain all these northern Indians, and where they were to be collected, leaving the balance of the country to settlers. Such a reservation was found and designated, but in addition to this, by the sixteenth article of the said treaty, a tract of country larger than their designated reservation is set apart for the exclusive use of these Indians, and embracing the very best portion of Wyoming Territory. This country is a much more attractive one to the Indians than their reservation proper, being filled with game, and as a consequence, they continue to occupy it, and have never been to their reservation, and on every available occasion repeat the unvarying declaration that they never will go there. I do not believe, myself, that they will, unless forced to do so. And why should they, since by treaty they have exclusive right to a larger and more attractive country? If Congress has the *power* to abrogate the sixteenth article of this treaty by reason of an infraction or non-observance or total violation of all its essential provisions on the part of the Indians, it certainly has the *right* to do so in this case. With the exception of a large part of Brulés and northern Arrapahoes, there has hardly been a month, except during winters, since the day the treaty was made, and even during its negotiation, that the obligations therein assumed by the Indians to keep and preserve peace have not been violated. I refer now to the tribes who signed the treaty at Fort Laramie, and I will take this occasion to say that in every instance their outrages have been without provocation; and still further, that during the time I have been in command of this department I have known of but one

instance in which the whites have given cause for Indian outrages. As to the expediency of the action desired by Congress by these people, I, of course, have nothing to say. I have no desire to limit the patience or forbearance of the government toward these unhappy tribes, neither am I prepared to say that the government has fulfilled faithfully all its part of the treaty, for I do not know. It is wonderful if it has. But I do sympathize with the people of Wyoming Territory, who see themselves cut off from nearly a third of their entire territory, and that the best part, and all for the benefit of hostile tribes, who, by their depredations, render another third of their territory unsafe for general settlement, and who, moreover, have a reservation of their own, and promises at least from government for their support therein. *

I do not agree with the committee as to any danger to be apprehended from the Shoshones and Bannacks. They are friendly tribes, and if they remain on their reservation will be rather a protection than otherwise to the settlers. It is possible that the boundaries of their reservation should be modified somewhat, and it can be done, I think, with the consent of the Indians themselves. The maps used at the making of the treaty have proved to be incorrect in some respects. I would respectfully ask if the instructions I have heretofore received regarding this expedition are to be modified in any respect.

I am, general, very respectfully, your obedient servant,

C. C. AUGUR,

Brevet Major General Commanding.

Bvt. Maj. Gen. GEO. L. HARTSUFF,

Assistant Adjutant General U. S. A.,

*Headquarters Military Division of the Missouri,
Chicago, Illinois.*

[Indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,

Chicago, Illinois, March 22, 1870.

Respectfully forwarded to the Adjutant General of the Army for the information of the General-in-Chief.

Previous to the receipt of this communication I had directed General Augur to carry out his original instructions and make them known to the public.

P. H. SHERIDAN,

Lieutenant General.

GENERAL: The undersigned, the executive committee of the Big Horn Mining and Exploring Association, would respectfully say: That having learned that you visited Cheyenne for the purpose of inquiring into the objects of the contemplated expedition, and of stopping its departure should you believe that its object is the invasion of any Indian reservation or unceded land, they feel it incumbent to explain to you the nature of its object, and also of the difficulties that are in the way of a successful prosecution of it.

Knowing, from a number of reliable sources, that there are extensive deposits of gold, silver, and other precious metals; also oil, and a fine climate and soil in the interior and northern portion of this Territory; and knowing also that there are but few sources of wealth in the southern portion thereof by which a prosperous community can be built

up and become self-sustaining, the projectors of this expedition did at first intend to proceed as far north as the southern slope of the Black Hills, and thence, should they not meet with the success desired, to proceed westwardly along the same belt until they located somewhere on the southeastern base of the Big Horn Mountains. But an examination into the treaty with the Sioux Indians, signed April 29, 1868, disclosed the fact that article 16 of that instrument stipulated that the country north of the North Platte River and east of the summit of the Big Horn Mountains shall be held and considered to be unceded Indian territory. This article (16) of the treaty before mentioned, so far, cuts off the expedition from the best portion of the Territory, and from the best field of operation as contemplated by the expedition. A treaty with the Shoshone and Bannack tribes, entered into July 3, 1868, leaves those tribes with a considerable portion of land in what is known as the Sweet-water region, and exposes our people to great danger. While the expedition intends to carry out their original design of exploring for the precious metals, they will yet confine themselves to the country which lies without the Indian lands, (if any there be in this Territory worth living upon,) so far as they will be able to know the boundaries thereof.

We take this opportunity to respectfully request you to point out to the government the injustice done to this Territory by article 16 of the Sioux treaty of April, 1868, by which the country therein referred to is made as much an Indian reservation as if it were stated in so many words; and also to the fact that it is in direct opposition to article 11 of the same treaty, which left the country referred to to the mutual occupation of whites and Indians. It must have come within your own knowledge, general, that from the very day the Sioux treaty was signed by the Indian parties thereto, they entirely disregarded its provisions; and not only that, but they extended their playful excursions beyond their agreed boundaries, and engaged in numerous predatory incursions within our limited space, killing many people, and stealing their stock, thus rendering it almost impracticable for our people to travel in safety through their own possessions, or to occupy their right under the protection of arms.

Believing that the law which makes a contract binding on all parties to it, applies with equal force to savages when they are a party, as it does to civilized people, we intend to ask a just Congress with confidence, in the justness of our prayer, that the obnoxious section 16, of the Sioux treaty, be abrogated, and the country therein described turned over to active, live industry, the people of this Territory.

We would now suggest to you, as commandant of this department, the danger to which our people will be exposed, judging by the past. When this association, (numbering perhaps two thousand men,) in pursuance of their just rights as American citizens, go forth to open up and develop that portion of our Territory which is indisputably within the jurisdiction and control of this people, should it be tolerated that Indians, bent on murder and plunder, are to be permitted to invade this country with impunity as they have heretofore? Why not permit the whites to inhabit it? We would further say that some thousands of people, intent on bettering their condition, and supposing that they have an undoubted right to explore and settle on the public domain, will assemble at this point for that purpose early next month; and that it would be a great hardship if any unnecessary obstacles were thrown in the way of their so doing, for many of them will exhaust all their means with the sole expectation that they can better themselves in the way indicated. As citizens, the members of this association, and all who

join in the expedition, will confidently rely on the protection of the government in case of attack, while they confine themselves to the country not stipulated as within Indian control.

We are, general, very respectfully, your obedient servants,

H. J. ROGERS, *Chairman*,
WM. R. VISE,
THOS. D. MURRIN,
HENRY GARBONATE,
CHARLES BENO,

*Executive Committee Big Horn and Black Hills
Mining and Exploring Association.*

Major General C. C. AUGUR, U. S. A.,
Commanding Department of the Platte.

[Memorandum for General Sherman.]

WAR DEPARTMENT,
Washington City, March 30, 1870.

In reference to the Big Horn expedition, the President directs that General Augur be instructed to inform the persons having charge of or connected with the same, that they are not to be permitted to trespass upon or enter upon Indian lands; General Augur must exercise his own judgment as to taking their pledge not to disobey said order should they give it.

WM. W. BELKNAP,
Secretary of War.

Modified in person—for General Augur to prevent an expedition to Indian lands, if, in his judgment, a conflict is likely.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., March 30, 1870.

The subject of the Big Horn expedition was before the Cabinet yesterday, and the Secretary of War authorizes me to reiterate previous orders, and General Augur must use his discretion and prevent an invasion of the Indian country, and consequent Indian war. If the expedition is only for such parts of Wyoming as can be visited without creating a collision, no opposition should be made. The thing is to prevent collision and conflict, and General Augur, the department commander, is the best judge of the probabilities.

W. T. SHERMAN, *General.*

General P. H. SHERIDAN,
Commanding Division Missouri, Chicago, Ill.

WASHINGTON, D. C., *April 14, 1870.*

GENERAL: I am just informed by the Secretary of War that the Big Horn expedition will be allowed to proceed on certain conditions, and that you will forward to General Augur instructions in regard to it, &c.

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I have the honor to respectfully request of you that such instructions may be forwarded immediately, for the reason that the season has arrived for the expedition to start, and any considerable delay will be very prejudicial to its success, as the men composing it are to be notified and gathered together from various portions of the States, where they are now waiting for the leave which has now been granted. I called to say this to you personally, but found you had left the office for the day, and hence send you this, as I must return home to-night.

With kindest regards and good wishes, your friend and servant,
J. H. HOWE.

General W. T. SHERMAN,
Commanding Armies of United States.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., April 15, 1870.

GENERAL: Many persons have come to Washington from the Territory of Wyoming, among others Hon. J. H. Howe, chief justice of the Territory, about the contemplated Big Horn expedition, and the whole matter has been considered by the Secretary of War and the President, who authorize me to modify former instructions as follows:

The expedition will be allowed to depart from Laramie or Cheyenne, provided the leaders of the expedition stipulate and agree in writing with the department commander that they will not trespass on the reservation set apart for the Shoshones and Snakes, and that they will not go north of the boundary line of Wyoming or east of the range of mountains known as the "Big Horn," viz: that chain of mountains which separates the waters which flow westward into the Big Horn tributary of the Yellowstone, and the waters of the Powder River, which flow east and north. It is understood that the Sioux Indians have the right to hunt on the east of this range of mountains.

The leaders of this expedition will also be made to understand that they must not, in any event, ask or expect any military aid or protection from the United States for any settlements they may establish or any mines they may open, and you may instruct General Augur to make a written agreement to this effect. The President by this covenant merely withdraws his former objections to the occupation of so much of the Territory of Wyoming as lies west of the Big Horn Mountains and north of the new Shoshone reservation.

I have the honor to be your obedient servant,

W. T. SHERMAN, *General.*

General P. H. SHERIDAN,
Commanding Military Division of the Missouri, Chicago, Illinois.

EXECUTIVE MANSION,
Washington, D. C., May 13, 1870.

General TOWNSEND: The President directs that General Augur be ordered at once by telegraph to prevent the starting of the Big Horn expedition until further orders.

WM. W. BELKNAP,
Secretary of War.

[Telegram.]

HEADQUARTERS OF THE ARMY,
Washington, May 13, 1870.

To General C. C. AUGUR,

Commanding Department of the Platte, Omaha, Nebraska :

The President now orders that the Big Horn expedition be now prevented from taking its departure from Cheyenne. Take immediate steps to notify all concerned, and prevent its going any further.

W. T. SHERMAN, *General.*

ADJUTANT GENERAL'S OFFICE,
Washington, May 16, 1870.

Official :

E. D. TOWNSEND,
Adjutant General.

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS,
Washington, D. C., January 12, 1870.

SIR: Herewith I respectfully transmit for your consideration a copy of a letter from the Hon. J. D. Cox, Secretary of the Interior, of 29th ultimo, in reference to one from John B. Wolff, addressed to the President of the United States, giving notice that a large prospecting party is now being formed in Wyoming Territory, for the purpose of operating in the Powder River country, at or near Big Horn Mountain, within the territory claimed by Red Cloud's band, and which Mr. Wolff thinks must lead to trouble unless prevented by the government. This department cannot prevent any prospecting party from going into the country claimed by the Indians; but it is of the opinion that it would be hazardous just at this time; would very much unsettle the Indian mind; might be the cause of producing fresh collisions, and perhaps a general Indian war. Should the military be of the same opinion, and your views agree with mine, I respectfully suggest that it might be competent for you to check this party in their contemplated expedition.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

Brevet Major General C. C. AUGUR, U. S. A.,
Department of the Platte, Omaha, Nebraska.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 29, 1869.

SIR: A letter written by one John B. Wolff, dated the 22d instant, and addressed to the President, has been referred to this department, and an extract therefrom is communicated to you for your information and such action as you may think proper.

SIR: Your attention is respectfully called to the fact that a large prospecting party is now being formed in Wyoming Territory, for the purpose of operating in the Powder

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River country, at or near Big Horn Mountain, within the territory claimed by Red Cloud's band, which must lead to trouble unless prevented by government.

JOHN B. WOLFF.

U. S. GRANT,
President of the United States.

I am, very respectfully, your obedient servant,

J. D. COX,
Secretary.

WYOMING TERRITORY, EXECUTIVE DEPARTMENT,
Cheyenne, March 25, 1870.

SIR: I have the honor to transmit herewith, for the information of the department, copies of correspondence between Brevet Major General C. C. Augur, commanding department of the Platte, and myself, in relation to the proposed Big Horn expedition.

Very respectfully, your obedient servant,

J. A. CAMPBELL,
Governor of Wyoming.

Hon. J. D. Cox,
Secretary of the Interior, Washington, D. C.

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebraska, March 21, 1870.

DEAR GOVERNOR CAMPBELL: You are fully aware of the apprehensions entertained by the government respecting the results likely to follow from the invasion of the country secured by treaty for the exclusive use of Indians by what is known as the Big Horn expedition now organizing in Cheyenne. I am aware from a recent interview that the leading men connected with the expedition are cognizant of the difficulties which treaty stipulations intervene to the accomplishment of their purpose. I also know that application has been made by them for the abrogation of the obnoxious articles, but the chances for favorable action upon this request are very remote, and I do not regard myself at liberty to delay action upon the orders I have received to inform the parties concerned that the government will not permit its treaty obligations to the Indians to be violated, and to advise them to abandon their purpose, and in any event to see that the expedition does not go.

I am satisfied from the character of the parties engaged in organizing this expedition that nothing more is required than a notification of the wishes of the government in this respect, and I beg you to do me the favor to give them the necessary information in such manner as you may think proper.

I am, dear governor, very respectfully, your obedient servant,

C. C. AUGUR,
Brevet Major General, Commanding.

His Excellency JOHN A. CAMPBELL,
Governor of Wyoming Territory.

WYOMING TERRITORY, EXECUTIVE DEPARTMENT,
Cheyenne, March 24, 1870.

DEAR GENERAL: I have the honor to acknowledge the receipt of your letter of the 21st instant, informing me of the orders you have received

to prevent the Big Horn expedition from invading the unceded Indian lands in the northeastern portion of this Territory. The publication of your letter in the newspapers has made the wishes of the government known to all our people, and I can assure you that so long as the treaty remains in force the Indian lands will not be encroached upon by the people of Wyoming. It was the original intention of those who originated the association to prospect and open up to settlement what is known as the Big Horn country. At that time, however, they were unaware of the existence of the sixteenth article of the treaty of 29th April, 1867, at Fort Laramie, an ignorance perfectly excusable when we consider the fact that no other treaty made by the peace commission contains any similar provision. Now that the law is known it will be respected.

Very respectfully, your obedient servant,

J. A. CAMPBELL.

Major General C. C. AUGUR,

Commanding Department of the Platte, Omaha, Nebraska.

WYOMING TERRITORY, EXECUTIVE DEPARTMENT,

Cheyenne, March 23, 1870.

GENERAL: I have the honor to acknowledge the receipt of a copy of your communication of the 7th instant to the President, relative to Indian affairs, and notice that portion in which you refer to the Big Horn expedition, now being fitted out in this Territory for the purpose of prospecting on the unceded Indian lands. I believe it to be true that you have correctly stated the original object of the expedition, which was to move into that portion of our Territory reserved for the Indians by the treaty of 29th April, 1867, at Fort Laramie. It will, however, be seen from the inclosed communication from the executive committee of the association, that the leaders of the expedition, since they find that the government looks with disfavor upon this proposed violation of our obligations, disclaim any such intention, and state that their prospecting will be confined to the western slope of the mountains. This expedition is much larger and more thoroughly organized than I had supposed. They have agents all over the country, and I have no doubt they will be able to muster a large force. It will, of course, be possible to prevent their starting entirely, but whether such a course will be politic, under all the circumstances, may be doubted. I do not believe that this committee of self-constituted leaders can control their followers and prevent their entering Indian reservations if they are so inclined. It is more than probable that if the expedition starts and reaches the borders of the Indian lands, that those lands will be encroached upon. This will give the Indians cause for war, and the parties who bring it on will in such a case be justly held responsible for much of the horror and barbarity that will ensue when the Indians take the war path, and our exposed stations are sacked and burned, the settlers murdered, and the trains on the Pacific railroad either entirely stopped or the road rendered so insecure that its value as a national highway will be greatly diminished. But I do not know that there is any authority for stopping an avowedly peaceful expedition, whose professed intention it is merely to explore and develop lands belonging to the United States. If such authority does exist, and if it is the intention of the administration to prevent the starting of the expedition, it is of great importance that it be made known immediately.

I have addressed the inclosed communication to the President, because I do not know what department the permission or refusal would come from.

But there is another view of this subject which I desire to lay before you. It is my impression, an impression derived partly from reports and rumors I have heard here, and partly from advices received through the Indian Bureau from General Stanley, that the Sioux will take the war path this summer whether the Big Horn expedition starts at all or not. The refusal or neglect of Congress to fulfill our treaty stipulations has so exasperated them that I fear nothing can now be done to quiet them. We can have little hope that they will believe future promises, when they find promises solemnly made by our most eminent citizens, acting under a special law of Congress, are totally disregarded. War appears almost inevitable, or, at least, so imminent that self-protection demands that we should take measures to meet it. Under these circumstances, would not the presence of say one thousand self-armed and self-provisioned men be of great assistance to the few troops that can be spared us from other threatened portions of the country; and would it not be better to give the expedition official sanction, and thus secure their co-operation with the military, in the event of Indian hostilities during the coming summer? I make these suggestions for your consideration, well knowing, however, that you have a wider field to look over, and other interests than those that affect only our people, to consult.

Whatever course may be determined upon by the administration will receive my cordial support.

Very respectfully, your obedient servant,

J. A. CAMPBELL,
Governor of Wyoming Territory.

Hon. J. D. Cox,
Secretary of the Interior, Washington, D. C.

WYOMING TERRITORY, EXECUTIVE DEPARTMENT,
Cheyenne, March 23, 1870.

SIR: I have the honor to forward herewith a communication from the executive committee of what is known as the Big Horn Mountain Mining and Exploring Association. This communication was called out by my notification to the committee that they would not be permitted to encroach upon Indian lands, where it was their first intention to go. As they now disclaim any such intention, I would respectfully request that I may be informed whether the military orders to prevent the starting of the expedition will still be enforced.

With great respect, your obedient servant,

J. A. CAMPBELL,
Governor of Wyoming Territory.

The PRESIDENT.

CHEYENNE, WYOMING,
March 21, 1870.

GOVERNOR: The undersigned, the executive committee of the Big Horn Mountain Mining and Exploring Association, now being organized in our city, having heard that the government looks with disfavor

upon any expedition of miners or other persons going upon the hunting grounds of the Sioux, or the reservations of the Shoshone or Crow Indians in said section of the country, take this method of informing you that the objects of this association are civil, and not military. We seek to open up whatever of country in Northern Wyoming we, by the laws of the land, have a right to explore and settle upon, and shall not in any instance encroach upon Indian reservations or privileged hunting grounds.

Respectfully,

THOS. D. MURRIN.
CHARLES BENO.
H. GARBONATE.
L. F. HATHAWAY.

His Excellency J. A. CAMPBELL,
Governor of Wyoming Territory.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 5, 1870.

SIR: Your communication of the 23d ultimo to the President, inclosing a letter to you, of date the 21st ultimo, from the executive committee of the Big Horn Mountain Mining and Exploring Association, is received, by reference from the Secretary of the Interior.

The object of the communication of the mining association to you seems to be to assure you and the government that, in prosecuting their contemplated mining explorations, they do not, in any instance, intend to encroach upon the reservations of Indians, or upon their privileged hunting grounds.

The objects of this mining association may be laudable enough in themselves, but this office seriously doubts the propriety of miners going into the country named and earnestly discourages any such expedition.

The "Big Horn Mountain region" is very indefinite and embraces a large scope of country. The reservation of the Crow tribe of Indians, on the north, approaches to and embraces a part of the country denominated the "Big Horn Mountain region," and the reservation of the Shoshones is only some fifty miles distant on the south, and the Sioux reservation is some one hundred and forty miles distant on the east. These tribes, by their treaties, "have the right to hunt on the unoccupied lands of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts."

It seems natural that the region of country referred to should be frequented as hunting-grounds by the Indians belonging to the tribes named, and should the miners go into this country there would be great danger, and it would be almost certain to be the case, that they would come in contact with these Indians and trouble would be the inevitable result.

You wish to be informed whether the military orders to prevent the starting of the expedition will still be enforced.

It will be unnecessary to make any reply to this part of your letter, as the correspondence between yourself and General Augur, just received, discloses the fact that, in obedience to orders, he has directed

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notification to be given that the contemplated expedition will not be allowed.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

Hon. JOHN A. CAMPBELL,
*Governor and ex officio Superintendent Indian Affairs,
Cheyenne, Wyoming Territory.*

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 13, 1870.

SIR: I return herewith the telegram addressed to you by Governor Campbell, communicating a dispatch from Fort Fetterman, and have the honor to inform you that the same were submitted to the President at the cabinet meeting to-day, and the Secretary of War will instruct General Augur, commanding the Department of the Platte, to take the necessary steps to prevent the departure of the "Big Horn expedition," pending the contemplated negotiation with Red Cloud and other chiefs of the Sioux nation. You will notify Governor Campbell accordingly.

Very respectfully, your obedient servant,

J. D. COX, *Secretary.*

Hon. E. S. PARKER,
Commissioner of Indian Affairs.

[Telegram.]

CHEYENNE, WYOMING TERRITORY,
May 12, 1870.

Hon. E. S. PARKER, *Washington, D. C.:*

I have just received the following dispatch:

FORT FETTERMAN, *May 11, 1870.*

Governor J. A. CAMPBELL:

Messenger just in from Man Afraid of His Horses and Red Cloud, returning seven horses and mules taken from Chugwater by Oyakopee Sioux, and his party whipped. They will be here the 14th. Just ready for Washington. I fear that the looked-for peace will not be obtained unless the Big Horn expedition is stopped or delayed.

ALEX. CHAMBERS,
Major Commanding.

The Big Horn expedition is advertised to start on the 16th.

J. A. CAMPBELL.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS,
May 13, 1870.

Governor J. A. CAMPBELL,
Cheyenne, Wyoming Territory:

The President to-day directed Secretary of War to prevent starting of Big Horn expedition while negotiations with Red Cloud are pending.

E. S. PARKER,
Commissioner.

LETTER
OF THE
SECRETARY OF THE INTERIOR
COMMUNICATING,

In compliance with a resolution of the Senate of this date, the report on the final completion of the Pacific railroad.

MAY 23, 1870.—Referred to the Committee on the Pacific Railroad and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 23, 1870.

SIR: I have the honor to transmit herewith the report on the final completion of the Pacific railroad, called for by Senate resolution of this date.

I am, sir, very respectfully, your obedient servant,

W. T. OTTO,
Acting Secretary.

Hon. SCHUYLER COLFAX,
Vice-President of the United States,
and President of the Senate.

WASHINGTON, D. C., October 30, 1869.

The undersigned, members of a commission for the examination of the Union and Central Pacific railroads, appointed under a "Joint resolution for the protection of the interests of the United States in the Union Pacific Railroad Company, the Central Pacific railroad, and for other purposes," approved April 10, 1869, have the honor to submit the following report:

Under instructions from the Interior Department, dated August 14, 1869, four members of the commission were in Omaha on August 23, but the instructions of the fifth commissioner having failed to reach him he was not present, and it was informally decided to proceed to Sacramento. The commission met at Sacramento on September 8, all the members being present; organized by the election of General Hiram Walbridge president, and General C. B. Comstock secretary, and commenced the inspection of the Central Pacific railroad, usually working from 6 30 a. m. till dark, and occupying from September 8 until September 14 in the inspection of that road. The inspection of the Union Pacific railroad was begun September 14 and completed September 23, when the commission adjourned to meet at Washington October 13,

1869, but the meeting was subsequently postponed until October 23, when most of the maps and information asked for from the two roads had been received.

The joint resolution under which the commission was appointed requires it "to examine and report upon the condition of, and what sum or sums, if any, will be required to complete each of, said roads, for the entire length thereof to said terminus, as a first-class railroad, in compliance with the several acts relating to said roads." The instructions of the Interior Department require that the "report should be minute and specific upon the several particulars relating to the construction and equipment of each of the roads, which those instructions set forth, and that it should state to what extent, if any, the line of either road deviates from the most central, direct, and practicable route mentioned in said acts of Congress."

The instructions add: "You will not, however, be restricted to these instructions, but will, in the spirit of the resolution, include in your report any suggestions or facts relating to the roads, elicited by your examination, which you shall consider necessary to be submitted to the President of the United States."

The first question that comes before the commission is, what is meant by Congress in its various acts relating to the Pacific railroads, by the words "first-class railroad."

Railroads now ranked as first class in this country were far from being perfect at their opening, and have been brought to their present high standard by large expenditures, which a small traffic in the beginning could never have justified. To require the Pacific railroads to be brought at first to the standard other roads have reached, after years of heavy and lucrative business, would be a waste of money. It is evident to the commission that this was not what Congress desired or intended in requiring a first-class railroad.

If private corporations had built these roads without governmental subsidy, it would undoubtedly have been for their interest to build them at first at the lowest cost consistent with keeping them in operation, and, when built, if a paying business should be developed, to have gradually made the improvements which increasing traffic should render necessary.

But Congress had made a large loan and an extensive land grant, a part of which will be valuable, and in return it required a better road than private interests would have built—a road that should be capable of transporting passengers and freight with rapidity, safety, and certainty—a road as good as the majority of those in the thickly-settled States.

In the opinion of the commission the requirements of the law will be satisfied, and the designs of Congress carried out, if the roads be properly located, with judicious grades; have substantial road beds of good width; ballasting, which with proper care shall be able to keep the track in good condition throughout the year; permanent structures for crossing streams, good cross-ties, iron and joint fastenings; sufficient sidings, water-tanks, buildings, machinery, and adequate rolling stock—the more important machine-shops and engine-houses being of masonry—and the commission is glad to be able to say that, in its opinion, while some expenditures still need to be made, these two roads are substantially such roads to-day. The expenditures needed for completion will be given in detail for each road.

Report on Central Pacific railroad, with estimate of sums required to complete it.

LOCATION.

In the opinion of the commission, the general location is good, although they saw several places where it appeared to them it might be improved in some of its details, perhaps at a somewhat increased expense. But this could only be determined positively by an extended instrumental survey, for which the commission did not have the time at its disposal. While, as was to be expected, the location is open to criticism, there are no errors, the immediate correction of which should be required by the government. It is not thought that they exceed reasonable limits, considering the haste with which the latter part of the road was built, nor that either bonds or land grant should be withheld for the small distance by which they increase the length of the road. The road is capable of doing all its business with safety and rapidity.

THE ROAD-BED

Is generally of good width, both in cuts and embankments; a few points were noticed where the embankments were narrow, and an estimate has been made of the cost of widening them.

TUNNELS.

There are fifteen tunnels on the road through solid rock and conglomerate or soft granite. A part of these are arched with heavy wood-work which will last for many years. Those not through solid rock and not arched have stood without giving trouble for two or three years and show no signs of failure; we therefore make no estimate for arching any of them.

BRIDGES, TRESTLES, AND CULVERTS.

The bridges are usually Howe's truss, of good material and workmanship. Several of them are, however, lighter, especially in their suspension rods, than is advisable, and in some cases so light that the heaviest load which can be put on them, a train of locomotives coupled together, should not be run over them at high speed. An estimate has been made for strengthening such as are deemed too weak to carry the maximum load with safety. They are the bridges over the North Fork of the Humboldt, over Donner Creek, and the two long spans of that at the American River.

The piers of the American River bridge are of wood. An estimate is made for replacing them with stone.

The high trestles west of and in the Sierra Nevada are generally of good character. At least two of them should ultimately be filled up or replaced by permanent structures, as also the trestles and temporary water-ways east of the Sierra Nevada. An estimate is made for this. The *immediate* replacement of these trestles, however, should not be required, as they will be safe for four or five years, and in the meantime the necessary experience will be gained as to the position and dimensions of the water-ways required.

The masonry, especially on the mountain division, is well constructed and of good material.

SNOW SHEDS.

At the summit of the Sierra Nevada the snow sometimes falls to the depth of about fifteen feet, making it a problem of great difficulty to secure the running of trains during the winter, but one, it is believed, which has been boldly and successfully met.

Through the region of heavy snow-fall, except on some high embankments, the track has been covered by strongly-built sheds, boarded in at the sides, thus thoroughly protecting it from snow.

There are in these mountains frequent snow-slides or snow-avalanches, and in many places the road crosses their track. Whenever this occurs in excavation a heavy roof is built over the road and extended up the side of the mountain, to which its upper edge is fitted and the whole securely fastened to the rock, its slope being such that the avalanche will pass readily over it. These roofs, in some cases, extended up the slope of the mountain one to two hundred feet, and are very strongly built, to carry the great weight which may be suddenly thrown upon them. In a distance of forty miles there is an aggregate length of thirty-two miles of snow-sheds and galleries, costing, according to the statements furnished by the company, \$1,731,000.

TRACK.

The iron in the track varies from fifty-six to sixty-six pounds per lineal yard; is thoroughly spiked on good sized cross-ties, numbering from 2,300 to 2,640 per mile; about one hundred and fifteen miles is laid with chairs, and the remainder with fish joints. The whole is in good surface and line, and as well adapted to high rates of speed as the average first-class railroads in the United States.

SIDINGS.

The sidings, which are about five per cent. of the length of the road, are ample for the accommodation of its business, and judiciously located.

BALLAST.

A large portion of the road is well ballasted with good material. In making estimates to supply the deficiencies noted in this respect, regard has been had to the character of the material of which the road-bed is constructed, and the small rain-fall east of the Sierra Nevada.

STATION-HOUSES.

The station-houses west of the Sierra Nevada are not deemed sufficient, and an estimate is made for additional ones. Farther east, while they are but common buildings, they are yet sufficient for the present business of the road. When replaced they should be of a better character.

WATER STATIONS.

These are sufficient in number and located at convenient points excepting in the alkali country, where some are too far apart for economy in operating the road—in one case thirty-four miles. But it is so obviously for the great advantage of the company to get water at convenient distances, that we do not think it necessary to estimate for the cost of an additional supply.

MACHINE SHOPS AND ENGINE-HOUSES.

The machine shops are considered sufficient except at the proposed junction of the two roads. There is a sufficient supply of machinery and tools on hand for all the shops except at this junction. East of Rocklin the engine-houses are of wood and these should have walls of stone or brick. Some additional ones are needed. Estimates are made for all these items. These wooden engine-houses are first-class buildings of their kind, but they should have been built of brick or stone originally.

EQUIPMENT.

The company have on the line of their road one hundred and sixty-six locomotive engines; thirteen sleeping cars; sixty-two first-class, and thirty-five second-class passenger cars; twenty-three baggage, mail, and express cars; six hundred and forty-eight box, fruit, and stock cars; twelve hundred and ninety-three platform cars; and in course of construction, according to the statements furnished by the company, eighteen sleeping cars; thirty-one first-class and twenty-five second-class passenger cars, which the commission believe to be considerably in excess of the number required for the present and immediate future business of the road.

TELEGRAPH LINE.

The telegraph line is well constructed and is supplied with a sufficient number of stations.

ESTIMATE FOR SUPPLYING DEFICIENCIES ON THE CENTRAL PACIFIC RAILROAD.

For ballasting track between Sacramento and Alta	\$20, 000
For ballasting track between Verdi and Humboldt.....	50, 000
For ballasting track between Humboldt and Carlin.....	100, 000
For ballasting track between Carlin and Promontory.....	50, 000
For widening embankments between Verdi and Humboldt...	5, 000
For widening embankments between Carlin and Toano.....	5, 000
For widening embankments between Toano and Promontory.	3, 000
Additional station-houses between Sacramento and Alta.....	10, 000
Freight and passenger depot at the proposed junction of the two roads.....	10, 000
Engine-house at Truckee, of brick or stone, in addition to amount already expended there.....	20, 000
Substituting brick walls for frame in engine-house at Wadsworth.....	14, 000
Substituting brick or stone walls for frame in engine-house at Winnemucca.....	11, 200
Substituting brick or stone walls for frame in engine-house at Carlin.....	11, 200
For brick or stone engine-house at Terrace, in addition to material now there.....	20, 000
For brick or stone engine-house at the proposed junction with the Union Pacific.....	40, 000
Machine and repair shops at the said junction.....	50, 000
Tools and machinery for shops at said junction.....	20, 000
Strengthening two long spans of American River bridge....	2, 000

Putting in stone piers at American River bridge.....	\$18,750
Strengthening Donner Creek bridge.....	500
Strengthening bridge over North Fork of Humboldt.....	500
For abutments, straining beam bridge, and filling at Arcade Creek.....	1,500
To fill up Auburn trestle and put in arch culvert.....	15,000
To fill up trestle at Station No. 450, and put in arch culvert..	16,000
Filling trestles and making permanent water-ways at one hundred and seventy-five short openings of trestle-work.....	70,000
Filling trestles and making permanent water-ways at thirteen large openings of trestle-work.....	13,000
Total.....	<u>576,650</u>

SURPLUS MATERIALS.

On examining the lists of surplus rolling stock, materials, and supplies submitted by the company, the commission is of opinion that after making a liberal allowance, this company have more than a million of dollars worth of such property on hand, beyond the immediate future wants of the road.

In Appendix A will be found a list of the maps, papers and statements submitted by this company.

Report on Union Pacific railroad, with estimate of cost for completion.

LOCATION.

The location of the accepted line is highly creditable to the engineers of the company. There are fewer errors than might reasonably have been expected, considering the length of the road and the difficulties encountered, and none which, in our opinion, the government should require corrected. There are deviations from this accepted line at Promontory Mountains, and at Uintah, which should be corrected; and at Omaha the bridge line should be built to avoid the present heavy grade. The adoption of this line removes the necessity of reducing the grades on the present location, as heretofore required. An estimate of the cost of these changes is made.

ROAD-BED.

The road-bed is, a large part of the way, of proper width, both in cuts and embankments, though there are some places where greater width is needed on the embankments, for which an estimate is made.

TUNNELS.

There are four short tunnels; three through solid rock not arched, and one arched with timbers. The commission have not deemed it necessary to provide for arching with masonry.

BRIDGES, TRESTLES, AND CULVERTS.

Several of the high trestles between Blue Creek station and Promontory ought to be filled up at once. They were evidently intended as temporary expedients to gain time in opening the road. Below Echo,

two high trestles, (on the nine hundred and seventy-first mile,) and the two of same character near Piedmont, (on the nine hundred and thirty-fourth and nine hundred and thirty-sixth miles,) should be filled within the coming year. The high trestle at Dale Creek is a good structure, and no estimate has been made for filling this, it being a first-class work of its kind.

The bridges are generally well built, and of good materials. There are, however, several of one hundred and one hundred and fifty feet span on Bitter Creek, where a water-way of forty feet would have been ample. The masonry of these is of an inferior character.

The company are now engaged in changing the course of the stream, so as to render eight or ten of them unnecessary, and will fill the crossings with embankments. An estimate is made for completing those which are to remain.

Some of the Howe truss bridges, like several of those on the Central road, are light in their suspension rods for the maximum load of a train of locomotives. Several should be strengthened, for which estimates are made.

In reference to many of the trestles (not heretofore mentioned) and culverts, which we have estimated for replacing, we would remark that practical railroad managers, having a due regard to economy, would not replace them by permanent structures so long as they are safe and reliable, which, in the opinion of the commission will be four or five years for many of them, at the end of which time experience will point out the position and size of water-ways with much more certainty than can now be determined.

SNOW FENCES.

Some protection against snow has already been provided and much more will be necessary. The officers of the road seem to be aware of the importance of these structures, and were engaged in preparing the material for them. It will undoubtedly be expedient to erect snow sheds at some of the exposed points, but experience only can locate them properly. The saving in expense of operating and repairs will be so large that no railroad similarly situated can afford to be without them; we think, therefore, that it will be safe to leave all this part of the work in the hands of the company to be done as fast as their experience shall point out the right places, and the character of the structures to be built.

TRACK.

The track is generally very good, but a few miles were observed where the heavy traffic, near Omaha, had worn the rails considerably. To replace them is a matter of ordinary repairs, and not of construction, this part of the road having been in operation for four years. About four hundred and fifty miles of the track is laid with rails weighing fifty pounds per lineal yard, and with wrought-iron chairs; the remainder is of fifty-six pounds, and laid with fish joints.

The cross-ties are generally of pine, of fair size and good quality, excepting those on about four hundred miles immediately west of Omaha, where originally a large proportion were of cottonwood. Many of these have been replaced with pine, oak, and cedar, but a large number are still in the track. A part of the cost of replacement belongs to the repairs of the road, but a portion should be borne by the construction account, as the cross-ties were originally inferior. One hundred thousand dollars above the ordinary repairs is estimated for their replace-

ment, the company now having a large number on hand for that purpose. The cross-ties number from twenty-three hundred to twenty-six hundred and forty in each mile of track.

SIDINGS.

The sidings are ample for the business of the road, amounting to fully nine per cent. of its length.

BALLAST.

A considerable portion of the road is well ballasted with good material; quite a large amount is, however, still needed, especially between Promontory and Ogden, and in the Platte Valley. For the latter, it can only be obtained by very long hauls; still we regard it so important as to justify us in estimating the expense of procuring it.

STATION-HOUSES AND WATER TANKS.

The station-houses are of good character, properly located, and sufficient in number to accommodate the business of the road. The company have also erected, at convenient points on its line, several good hotels and eating-houses for the accommodation of passengers. There are some long intervals between water tanks, but the commission is satisfied that all that is practicable is being done by the company to obtain an abundant supply of good water.

COAL.

The discovery of good coal in large quantities, easily accessible, at several points on the line of this road, is of great value in reducing the cost of operating.

MACHINE SHOPS AND ENGINE-HOUSES.

At several places there are permanent machine shops, well constructed and fully supplied with machinery and tools. These are properly located. We have estimated for building one more at the proposed junction of the two roads. The engine-houses are generally of stone or brick, and of sufficient size. There are three points at which others will be required, for which estimates are made.

EQUIPMENT.

There are upon the line of the road one hundred and forty-nine locomotive engines; twenty-six first class, and fifteen second-class passenger cars, (besides sleeping cars in use upon the road but not owned by the company;) eighteen baggage, mail, and express cars; eighty-eight caboose cars, which can also be used for emigrant cars; nine hundred and fifteen box cars; eleven hundred and seven platform cars, (besides three hundred leased to and used by other roads.) There are three first-class passenger and two express and baggage cars in course of construction in the company's shops at Omaha. The freight cars are considerably in excess of the present and immediate future wants of the road. In view of the very large amount of material the company have on hand at Omaha, and their ample facilities for construction of

passenger cars, we have made no estimate for additions to this class of equipment.

TELEGRAPH LINES.

The telegraph line and stations are sufficient for present purposes, though many of the poles are not of the most durable material.

ESTIMATES FOR SUPPLYING DEFICIENCIES, UNION PACIFIC RAILROAD, PROMONTORY TO OGDEN.

Ballasting track.....	\$46, 000
Widening embankments.....	6, 400
Filling high trestles between one thousand and seventy-sixth and one thousand and eighty-fifth miles, inclusive.....	38, 000
Abutments and piers at Bear River bridge, in addition to materials on hand and work done.....	5, 000
Abutments, Ogden River bridge, in addition to work done and material on hand.....	4, 000
Filling up and making permanent water-ways at forty-four short openings.....	20, 000
Filling up and making permanent water-ways at three larger openings.....	1, 200
Filling, putting in straining beam bridges and abutments, at three large trestles.....	5, 400
Correcting construction and reducing grades to conform to accepted location between one thousand and eightieth and one thousand and eighty-fifth miles inclusive.....	80, 000
Total.....	<u>206, 000</u>

ESTIMATE FOR SUPPLYING DEFICIENCIES, UNION PACIFIC RAILROAD, OGDEN TO OMAHA.

Ballasting track between Ogden and Echo.....	\$5, 000
Ballasting track between Echo and Bryan.....	70, 000
Ballasting track between Bryan and Rawlins.....	90, 000
Ballasting track between Rawlins and Laramie.....	85, 000
Ballasting track between Laramie and Ogallalla.....	70, 000
Ballasting track between Ogallalla and Omaha.....	116, 500
Widening embankments between Ogden and Echo.....	3, 600
Widening embankments between Echo and Bryan.....	31, 500
Widening embankments between Bryan and Rawlins.....	12, 500
Widening embankments between Rawlins and Laramie.....	6, 000
Widening embankments between Laramie and Ogallalla....	7, 000
Widening embankments between Ogallalla and Columbus..	18, 000
Widening embankments between Columbus and Omaha....	9, 000
For freight and passenger depot at the proposed junction with Central Pacific railroad.....	10, 000
For engine-house of brick or stone at said junction.....	40, 000
For machine shops at said junction.....	50, 000
For engine-house at Green River of brick or stone in addi- tion to materials already on hand	20, 000
For engine-house of brick or stone in the vicinity of Wah- satch or Evanston.....	20, 000
For replacing cottonwood ties in addition to repair accoutnt..	100, 000
Strengthening Papilion bridge.....	500

Widening pier and changing bridge at Crow Creek.....	\$1, 000
Rebuilding piers and abutments at Laramie.....	6, 000
For masonry and erecting bridge at the Little Laramie....	3, 000
For improving abutments at Rock Creek.....	1, 000
For repairing masonry at Medicine Bow bridge.....	2, 500
Rebuilding and repairing masonry of Bitter Creek bridges..	21, 000
For abutments and piers at Green River.....	15, 000
For widening pier at last crossing Black's Fork.....	1, 000
Piers and abutments at Black's Fork, eight hundred and sev- enty-third mile.....	3, 500
Piers and abutments at Black's Fork, eight hundred and eightieth mile.....	12, 000
Masonry at crossing Big Muddy, eight hundred and nintiet h mile.....	7, 500
Masonry at crossing Big Muddy, eight hundred and ninty- first mile.....	5, 500
Masonry for four straining-beam bridges between nine hun- dred and forty-sixth and nine hundred and forty-ninth miles, including filling trestles.....	15, 000
For abutments for six 40-foot straining-beam bridges on nine hundred and eighty-fifth to nine hundred and eighty-eighth miles, inclusive.....	2, 400
Arch culvert.....	500
Filling trestle at Weber River bridge.....	3, 000
Filling and replacing with permanent water-ways thirty- five small openings of trestle work between Ogden and Yellow Creek.....	14, 000
Filling and replacing with permanent water-ways ten larger openings between Ogden and Yellow Creek.....	11, 000
Filling two high trestles on nine hundred and seventy-third mile.....	12, 000
Filling two high trestles on nine hundred and seventy-first mile.....	32, 500
Filling trestle on nine hundred and seventieth mile.....	2, 000
Filling two trestles on Yellow Creek.....	2, 200
For abutments, filling, and putting in straining-beam bridges at nine hundred and sixtieth and nine hundred and sev- enty-sixth miles.....	2, 500
For filling and replacing with permanent water-ways ten small openings of trestle work between Yellow Creek and Piedmont.....	2, 000
Filling trestle at nine hundred and sixty-eighth mile.....	500
For abutments, straining-beam bridge, and filling at nine hundred and fifty-sixth mile.....	1, 500
For filling four large trestles between nine hundred and for- ty-fifth and nine hundred and thirty-fourth miles, inclusive.	33, 500
For filling and replacing with permanent water-ways seven- teen small openings between Piedmont and Bryan.....	7, 000
Abutments at crossing Big Muddy, nine hundred and twenty- seventh mile.....	9, 000
Abutments at crossing Big Muddy, nine hundred and twenty- third mile.....	3, 000
For abutments, bridging, and filling eighteen trestles between Piedmont and Bryan, chiefly over the Muddy.....	32, 600
For filling and putting in three culverts between Piedmont and Bryan.....	3, 700

For filling and replacing with permanent water-ways forty small openings of trestle work between Bryan and Rawlings	\$16, 000
Filling and replacing with permanent water-ways twenty larger openings between Bryan and Rawlings.....	20, 000
Filling and replacing with permanent water-ways sixty small openings of trestle work between Rawlings and Laramie..	24, 000
Filling and replacing with permanent water-ways seventeen larger openings of trestle work between Rawlings and Laramie	17, 000
Filling three other large trestles and putting in culverts between Rawlings and Laramie.....	25, 000
Filling and replacing with permanent water-ways one hundred and twenty-five small openings of trestle work between Laramie and Ogallalla.....	50, 000
Filling and replacing with permanent water-ways thirty-seven larger openings of trestle work between Laramie and Ogallalla.....	29, 600
Filling eighteen other large trestles between Laramie and Ogallalla	50, 000
For filling and replacing with permanent water-ways one hundred and fifty small openings between Ogallalla and Omaha.	30, 000
For filling and replacing with permanent water-ways twenty-five larger openings of trestle work between Ogallalla and Omaha	20, 000
To change line to original location at Uintah	5, 000
To reduce grade or change line near Omaha.....	60, 000
Total Promontory to Omaha.....	<u>1, 586, 100</u>

SURPLUS MATERIAL AND SUPPLIES.

After examining the lists of rolling stock, material, and supplies on hand submitted by the company, and making a liberal allowance for the immediate future wants of the road, we find they have a surplus amounting to about \$1,800,000 in value.

In Appendix B will be found a list of the maps, papers, and statements submitted by this company.

In concluding this report, the commission desire to state that both the companies are doing a large amount of work on their respective roads, and are day by day bringing them nearer to the standard required by law.

This great line, the value of which to the country is inestimable, and in which every citizen should feel a pride, has been built in about half the time allowed by Congress, and is now a good and reliable means of communication between Omaha and Sacramento, well equipped and fully prepared to carry passengers and freight with safety and dispatch, comparing in this respect favorably with a majority of the first-class roads in the United States.

Respectfully submitted.

HIRAM WALBRIDGE,
S. M. FENTON,
C. B. COMSTOCK,
E. F. WINSLOW,
J. F. BOYD,

Commissioners.

Hon. J. D. COX, *Secretary of the Interior.*

Senate documents

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